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THE NATIONAL PUBLICATIONS ACT OF 1980

HEARINGS

BEFORE THE

SUBCOMMITTEE ON RULES OF THE HOUSE

OF THE

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

H.R. 5424

A BILL TO AMEND TITLE 44, UNITED STATES CODE, TO PROVIDE FOR IMPROVED ADMINISTRATION OF PUBLIC PRINTING SERVICES AND DISTRIBUTION OF PUBLIC DOCUMENTS

MAY 14 AND 21, 1980

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THE NATIONAL PUBLICATIONS ACT OF 1980

WEDNESDAY, MAY 14, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES OF THE HOUSE,
COMMITTEE ON RULES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room H-313, the Capitol, Hon. John J. Moakley (chairman of the subcommittee) presiding.

Present: Representatives Moakley, Long, Beilenson, Frost, Bauman, and Lott.

Also present: John J. Dooling, counsel, Terence A. McGinnis, assistant counsel, and Kathryn L. Erickson, associate staff member.

Mr. MOAKLEY. The Subcommittee on Rules of the House will now come to order.

OPENING STATEMENT OF HON. JOHN J. MOAKLEY, CHAIRMAN OF THE SUBCOMMITTEE ON RULES OF THE HOUSE

Mr. MOAKLEY. This morning the subcommittee will begin its hearings on H.R. 5424, the National Publications Act of 1980. As you know, this bill reorganizes the Government Printing Office within the legislative branch, and renames the new entity the National Publications Office.

H.R. 5424 abolishes the Joint Committee on Printing and places the management of the National Publications Office in a 10-member Commission which closely resembles a corporate board in its operation. Congress retains its oversight over the public printing service in three ways.

First, the bill places the NPO under an annual authorization process in addition to being under the control of the appropriations procedures.

Second, the bill provides for a committee veto of any regulations prepared by the Commission by either the House Administration Committee or the Senate Rules and Administration Committee.

Finally, the bill stipulates that the chairmen of these two committees be ex officio, nonvoting members of the Commission.

The jurisdiction of the Rules Committee with regard to H.R. 5424 is focused on section 10 of the bill, termination of the Joint Committee on Printing.

However, it is difficult to weigh that section of the bill without closely examining the redistribution of the joint committee functions, specifically the establishment of the National Publications Commission and the procedures for reviewing its regulations.

In fairness, no strict limits will be placed on the testimony and questioning, but witnesses and members should keep in mind the very narrow basis on which this bill is before the Rules Committee.

Finally, I would like to thank all of you for being with us this morning. We look forward to hearing your testimony.

With me, of course, is Congressman Robert Bauman, who represents the minority, from the Eastern Shore of Maryland who is making a great contribution to the full committee and to the subcommittee.

Now, I would like to call our first witness, Mr. Samuel Saylor, Acting Public Printer, Government Printing Office.

Mr. Saylor.

STATEMENT OF SAMUEL L. SAYLOR, ACTING PUBLIC PRINTER, GOVERNMENT PRINTING OFFICE, ACCOMPANIED BY MICHAEL F. DIMARIO, DEPUTY GENERAL COUNSEL

Mr. SAYLOR. Thank you, Mr. Chairman.

Mr. MOAKLEY. Also if you would want to summarize your statement, or read it, it makes no difference, but if you want to submit it for the record we would be happy to place it in the record.

Mr. SAYLOR. My statement is brief and with your permission I would like to read it and will be available for questions.

Mr. MOAKLEY. Feel free to proceed in whatever manner you desire.

Mr. SAYLOR. I would also like to introduce Michael F. Dimario, Deputy General Counsel of the Government Printing Office.

Mr. MOAKLEY. Fine. Nice to have you.

Mr. SAYLOR. If I may summarize, Mr. Chairman, I would like to say that——

Mr. BAUMAN. I want to indicate for the record—you mentioned the Eastern Shore—I know that Mr. Saylor has a place at Tilghman Island of which there is no other Eastern Shore-type place. [Laughter.]

Mr. SAYLOR. Thank you, sir.

Mr. MOAKLEY. Does he vote in that district?

Mr. BAUMAN. I haven't asked him that.

Mr. MOAKLEY. I am sure that's one witness that will go unscathed if he does.

Mr. SAYLOR. Thank you, Mr. Chairman, for this opportunity to offer comments on H.R. 5424, as reported with amendments by the Committee on House Administration on March 19, 1980. Chairman Jack Brooks of the Government Operations Committee, to which H.R. 5424 was also sequentially referred, has afforded me a similar opportunity. My comments set forth herein, although containing some greater detail on the disestablishment of the Joint Committee on Printing, are otherwise the same as those being offered to Chairman Brooks.

By way of background, I was serving as Deputy Public Printer at the time of introduction of the predecessor bill, H.R. 4572, and at the time of the introduction of the bill H.R. 5424. During the period each bill was being considered, I assisted Public Printer Boyle in defining the views of the Government Printing Office which were in opposition to enactment on the basis that the benefits of correcting the acknowledged deficiencies in the existing law did not justify

the far-reaching, and in some respects harmful, effects of the new provisions of law being proposed in the bills.

After reading H.R. 5424, as reported, I find that for the most part the objections are still valid. While some of the concerns Mr. Boyle expressed as to the introduced version of H.R. 5424 have been addressed, the reported bill still places unwarranted and indeed unnecessary burdens upon the printing and distribution functions of the Government. Enactment will cause the present efficient printing and distribution programs to be less efficient and in the long term will result in increased costs to our customers without offsetting benefits.

While I am keenly aware of the concerns which lead Members who serve on the Joint Committee on Printing to desire to eliminate that committee as being unnecessary, I believe there is much that can be done within the structure of the present law, title 44, that would relieve these concerns.

Title 44 has been a good law for its 85 years of existence. It has been changed, modified, amended, and corrected many times. This can be done again without drastically changing or reorganizing the present well-functioning Government Printing Office.

Indeed, if what the members of the Joint Committee on Printing desire is to be relieved of the burden of exercising managerial judgment on mundane questions such as those concerning the purchase of paper now laid upon them by statute while at the same time retaining in the Congress appropriate policy oversight, the matter is easily resolved without resort to the creation of a commission of laymen having differing and often competing viewpoints. All that is required is to place with the Public Printer authority for those day-to-day statutory duties presently vested in the Joint Committee on Printing, and, by rules of the respective Houses of Congress, vest oversight of printing and binding policies relating to the Congress in the House Administration Committee and the Senate Rules Committee, and the oversight of Printing and Binding Policies relating to general government in the House Government Operations Committee and the Senate Governmental Affairs Committee.

These are the standing committees best equipped to deal with printing and binding policies.

This suggestion is not novel. Indeed, it is the way oversight is commonly performed for matters of such importance as our national Defense Establishment and the Central Intelligence Agency. Why not our Government printing, binding, and documents distribution systems? Moreover, to the best of my knowledge the very important General Accounting Office, unlike the Government Printing Office and the Library of Congress, its sister legislative agencies, has no designated oversight by joint committee or designated standing committees in either House.

In addition to these organizational concerns, I still have major concern with section 310, labor-management relations. This section places GPO employees under a wage, benefits, and working conditions system entirely different from what is in force now and I think of no logical explanations for the provision. Moreover, the bill would apparently amend the intent of Congress with regard to having public employees governed by the Labor-Management Rela-

tions Act of 1947, or Taft-Hartley Act, and it would appear that the present forum is not designed to handle such far-reaching change in labor legislation policy.

With what seems to be a "tail-wagging-the-dog" concept—the great emphasis on publishing rather than printing and distribution—it may be that separation of the Superintendent of Documents operation from the Government Printing Office should be considered. Establishing Documents as a separate agency in the executive branch with a commission to determine policy for broader dissemination of Government information may satisfy those who have a concern in this area. A bill designed to address only the publication aspects with minor revision to existing title 44 would probably satisfy all concerned parties without producing the ill effects which would result from enactment of H.R. 5424. There are many other areas in the bill which still cause concern. I have enclosed a more detailed list of comments, some in the form of questions, addressing those sections which need further clarification or which would decrease the current effectiveness of the Government Printing Office. Some of these same comments and questions were raised by my predecessor at the hearing before the Senate Rules and House Administration Committees.

Mr. Chairman, I again thank you and your staff for affording me this opportunity to comment on the legislation.

I sincerely hope that my comments will be viewed as constructive. Thank you, sir.

[The material referred to by Mr. Saylor follows:]

DETAILED ANALYSIS AND COMMENTS SUBMITTED BY SAMUEL L. SAYLOR, ACTING PUBLIC PRINTER, GOVERNMENT PRINTING OFFICE

Following is a detailed list of comments, some in the form of questions, addressing those sections which need further clarification or which would decrease the current effectiveness of the Government Printing Office:

1. Section 2 of the bill, lines 3 through 5 on page 56, does not indicate that the material contained therein also replaces chapters 17 through 19. While lines 1 and 2 on page 92 clearly repeal chapters 17 and 19 of title 44, it is not made clear that the subject matter is intentionally being covered in section 2 of the proposed bill. It would seem a lot better and provide a better legislative history if lines 3, 4 and 5 of page 56 of the proposed bill would clearly indicate that section 2 is striking out chapters 1 through 13 *and chapters 17 through 19* and "inserting in lieu thereof the following:"

2. The term "limited" on lines 10 and 11 of page 59 is an extremely vague term and is certainly going to be a source of much debate and controversy. It would be better if this term could be clearly defined in the bill itself.

3. While the bill in section 303 now provides that the Chairman shall "exercise" chief executive authority over the NPO, responsibility for the establishment and implementation of government-wide and agency-wide policy continues to be vested in a part-time committee. The new agency needs to be headed by an individual with sole authority to set policy and direct operations since responsibility is then squarely fixed and also allows quick reaction time for necessary decisions. A statutorily established *advisory* committee, might be helpful provided it did not become involved in day-to-day operations.

4. Section 302 (page 60)—While the bill now has a provision for the overall policy direction of printing in the entire Federal Government, it seems that this paramount function is subordinated to responsibility "for policy direction and overall operation and management of the National Publications Office" (lines 14 through 21). We believe the government-wide policy development provision should be redesignated as section 302(a)(2) and inserted between lines 13 and 14 without reference to "implementation" and with appropriate renumbering of other subparagraphs. Section 302(b) should then address implementation of the policy insofar as the NPO is concerned. Implementation of the government-wide policy in other agencies must of necessity be carried out by those agencies subject to the oversight of NPO.

5. Section 303(c)—While the section now addresses previously stated concerns that there need be a chief executive officer in day to day charge of the agency, additional clarity would be had by including at the end of the subsection the following: "and for purposes of statutory construction be deemed the head of the agency."

6. The term "information industries" on line 7 of page 63 is too vague. Most of the computer people and most of the word processing people and a great many other industries including the television industry now claim to be in the information industry. This matter should be clarified at the outset.

7. Section 305—It might be more workable if the Chairman rather than the Commission were given authority to name an acting chairman subject to the approval of the Commission.

8. In Section 306(a) on page 66—It is noted that members of the Commission shall receive the "equivalent" of the pay provided for level III of the Executive Schedule while in section 306(b) on the same page, it provides that the Chairman shall be paid at the rate "payable for" level II of the Executive schedule. Is it intended that these employees be level II and level III employees or simply that they be paid at a rate equal to level II and level III employees? This point is raised since there is a question of whether the commission members other than the Chairman in occupying intermittent positions will be considered as officers and employees of the Government.

9. The provisions of section 307(a)(1) on page 66 relating to prescribing regulations of the Commission appear to include regulations for the operation of the National Publications Office as well as government-wide policy regulations. If this be the case, the requirement in section 307(a)(2) on page 67 that regulations be submitted to the Committee on House Administration and the Committee on Rules for ratification is a little confusing in that it would include the submission of such mundane internal regulatory matters as procedures for the purchasing of paper, procedures for hiring and firing employees, etc. If this is what is meant it would appear that the law would be imposing an impossible restraint on the ordinary operating activities of a Government agency when coupled with the fact that first, it would take a vote of the majority of members of the Commission in order to make a regulation and then that regulation would have to be submitted to the two committees of the Congress for possible veto and a waiting period of 10 legislative days prior to becoming effective. It does not seem that this is really what is intended and it is probably intended that only the regulations of government-wide application should go through such an elaborate procedure. However, this entire matter should be clearly straightened out before this Act becomes a law.

10. The provision contained in section 308 on page 67 regarding the appointment of commission staff is unclear. By deleting the previously included language that they be appointed without regard to the laws governing the competitive service it appears that they now might be appointed pursuant to those laws except that title 5, section 2102(a)(2) provides that Civil Service positions which are not in the executive branch are not in the "competitive service" unless specifically included therein by statute. Moreover, if they are not intended to be in the competitive service there should be a provision in the Bill for the removal of such employees for cause or other legitimate reason once appointed. The only clear position seems to be their exclusion from the Classification Act by virtue of the provisions of lines 18 through 20 on page 97 but this does not address the "competitive service" question.

11. The provisions of section 309, page 68, establishing the position of Director of Administration with authority in the person so appointed to in turn "employ" additional persons necessary to carry out certain functions, raises certain questions as to the status of these persons. Is the Director of Administration appointed without regard to the competitive requirements of title 5? Can he or she be removed? If so, by what method and by whom? The provisions of lines 18 through 20 on page 97 excluding employees subject to section 310 from the Classification Act are not made applicable to these employees, therefore, it appears they are subject to the Classification Act but it is not clear as to what other laws they may be subject. What is meant in section 309(C) wherein it says that "Except as provided in section 310 of this title, the Director of Administration shall have the authority to employ" since section 310 does not appear to limit appointments but rather to make certain provisions of title 5 applicable to employees? There are a great many other questions concerning these employees which should be clarified before the bill becomes a law.

12. Even under the very broad powers contained in 44 U.S.C. 305 allowing the Public Printer to hire such people as he considers necessary at such rates of pay including rates of pay for overtime and holidays, etc., he has run into some problems from time to time concerning such matters as holiday premium, work hours, that is 35-hour workweek versus a 40-hour workweek, problems such as flex time,

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problems such as the rate of overtime pay, problems such as compensatory time, etc. The Comptroller General of the United States even required that the Public Printer seek, which he did, additional legislation authorizing the use of compensatory time. Each and every one of these problem areas could arise again in connection with the employees provided to be hired under the authority of lines 4 through 6 on page 69 as well as the employees to be hired by the Director of Production Services in section 501(c) and the Director of Distribution Services in section 701(c). These matters certainly should be clarified before this Bill becomes an Act. The most direct approach which would assure that these problem areas will be avoided is to make all personnel matters subject to the provisions of title 5 of the United States Code which was found by the Congress as recently as October 1978 to be a fair and equitable way to manage blue and white collar Federal Government personnel.

13. Section 310 on page 69 seems to confuse some matters. Since the section is applicable to all employees who are represented by a recognized labor union it includes virtually all GPO employees except supervisory and managerial employees in its coverage. Thus, in addition to those "blue-collar" employees who now negotiate wage matters with GPO, white-collar professional, clerical and technical employees would be given, for the first time in Government to the best of my knowledge, similar wage negotiating rights; such rights conceivably being without salary or compensation limitation except as such limitation may from time to time be imposed in other legislation or by contract. Moreover, employees covered by the provisions of this section would start on an even keel with all other employees of the U.S. Government with the exception of being under the Classification Act (page 97, lines 18 through 20) but would be able to bargain away from (and presumably upward from) the compensation and benefits Congress has sought as a matter of policy, has granted most other government employees. Moreover, because of limitations on the right to strike, these employees would be granted the remedy of "final-offer" arbitration on contract and wage negotiation issues at impasse, thus being able to seek out third part resolution which may be in derogation of public policy limitations established by the Congress or the President. Moreover, by having the arbitrator apply the Washington, D.C. Consumer Price Index rather than the National CPI there arises another significant distinction between how these employees are to be treated vis a vis other employees of the Government. Additionally, it is unclear as to whether the term "governed by the provision of" is intended to mean "subject to" the National Labor Relations Act. In either case, this provision is in effect a major departure from our previously espoused national policy of excluding public employees, state, county, municipal as well as Federal with the modified exception of Postal Service employees from the provisions of the Labor Management Relations Act and the Labor Management Reporting and Disclosure Act.

14. Chapter 71 of title 5, United States Code, sets forth certain management rights which are absolute, including the right to determine questions of "contracting-out" (within accepted guidelines), while making it permissive on the part of management to negotiate, if it chooses to do so, on the method and means of carrying out work. Under the Labor-Management Relations Act as administered by the National Labor Relations Board, the clearly established rule is that contracting-out of work is a mandatory subject of bargaining. In the Federal sector this has been a policy matter for the Congress and the Administration rather than a negotiated item. Since questions have and will arise in this subject we believe it in the interest of the Government to clearly express an intention that management shall have an absolute right to follow the Federal policy regarding contracting out as well as other rights similar to those of chapter 71, title. 5. Moreover, there should be an express provision that employees have the unequivocal right to join or refrain from joining a labor organization. In the absence of such a provision, a closed-shop is very possible.

15. It would appear that the purpose of section 310 may be to provide the mechanism for rate-setting and may in part be responsible for the absence of any provision of rate-setting in the employment sections. However, there seems to be a complete void in providing for the rate setting for the management employees of the Government Printing Office. How does one go about appointing and establishing the rates for the supervisors who are clearly not entitled to negotiate under chapter 71? Is there authority to appoint supergrades? That is, is it possible to have a grade 17 Production Manager, for example; and, if so, since all the provisions of title 5 except as specifically excepted seem to apply; will such appointment be in the Senior Executive Service or not? All of these questions need to be clarified before this bill becomes law. Again, the adoption of title 5 of the United States Code would resolve these questions.

16. We recommend that the following paragraph be included in the bill in order to give specific direction to the National Publications Office as to accounting methods

which must be adopted. The provision was included in H.R. 4572 as first introduced. H.R. 4572 was later reintroduced as H.R. 5424.

"§ 311. Accounting for National Publications Office.

"The Commission shall provide that a system of accounts shall be maintained on the accrual method for the National Publications Office and that necessary financial reports shall be prepared on the basis of such accounts."

17. We also recommend that the Chairman be given specific authority to administer oaths or affirmations and that the following authority be provided to the Chairman with regard to his and other staff of the National Publications Office so that they may properly administer oaths or affirmations required by law in connection with the procurement of public printing services, swear in the employees and also do normal investigations such as EEO investigations, etc., which require the administering of an oath or affirmation. This authority is needed since the National Publications Office shall be an agency in the legislative branch and not otherwise subject to the generalized laws governing to administration of oaths or affirmations in the executive branch.

"The Chairman and any employees designated in writing by him may administer any oath or affirmation required in connection with carrying out the provisions of this Act or other applicable laws."

18. While we are appreciative of the effort to include a provision concerning the functions of the Disbursing Officer and certifying officers set forth in section 313 as being necessary since the National Publications Office will be in the legislative branch we nevertheless consider the proposed provision to be inadequate and therefore recommend the following substitute:

"§ 313. Disbursing Officer; Deputy Disbursing Officer; Certifying Officers and Employees.

"(a) The Chairman shall appoint from time to time a disbursing officer of the National Publications Office (including the Office of the Director of Distribution Services) who shall be under the direction of the Chairman. The disbursing officer shall (1) disburse moneys of the National Publications Office only upon, and in strict accordance with, vouchers certified by the Chairman or by an officer or employee of the National Publications Office authorized in writing by the Chairman to certify such vouchers, (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable accordingly. However, the disbursing officer shall not be held accountable or responsible for any legal, improper or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which, under subsection (c) of this section, is imposed upon a certifying officer or employee of the National Publications Office.

"(b)(1) Upon the death, resignation, or separation from the office of the disbursing officer, his accounts may be continued, and payments and collection may be made in his name, by any individual designated as a deputy disbursing officer by the Chairman, for a period of time not to extend beyond the last day of the second month following the month in which the death, resignation, or separation occurred. Accounts and payments shall be allowed, audited, and settled, and checks signed in the name of the former disbursing officer by a deputy disbursing officer shall be honored in the same manner as if the former disbursing officer had continued in office.

"(2) A former disbursing officer of the National Publications Office or his estate may not be subject to any legal liability or penalty for the official accounts of defaults of the deputy disbursing officer acting in the name or in the place of the former disbursing officer. Each deputy disbursing officer is reponsible for accounts entrusted to him under paragraph (1) of this subsection, and the deputy disbursing officer is liable for any default occurring during his service under such paragraph.

"(c)(1) The Chairman may designate in writing officers and employees of the National Publications Office to certify vouchers for payment from appropriations and funds. Such officers and employees shall (A) be responsible for the existence and correctness of the facts recited in the certificate or other voucher or its supporting papers and for the legality of the proposed payment under the appropriation or funds involved, (B) be responsible and accountable for the correctness of the computations of certified vouchers, and (C) be accountable for, and required to make restitution to, the United States for the amount of any illegal, improper or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved. However, the Comptroller General of the United States, may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds that (i) the certification was based on the official records and that such certifying officer or

employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (ii) when the obligation was incurred in good faith, the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment. The Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 66 of Title 49, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deductions.

"(2) The liability of such certifying officers or employees shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. Such certifying officers and employees shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification."

19. With regard to subsection 502, the attempt to broaden the regulation making authority of the Commission runs smack into very limited authority of the Commission established in section 302 on page 60. This needs clarification.

20. Section 502 should also be amended to provide specific authority to the National Publications Office to procure printing on its own authority and without regard to whether an agency has requested such procurement vis a vis direct government production, when the interests of the government so dictate. We recommend the following language:

"The National Publications Office shall procure by advertising or negotiation, under such regulations as it may prescribe, from commercial sources, all public printing services which the National Publications Office is not able or equipped to do, or which it believes is in the best interest of the Government to have done elsewhere. Such procurement may include multiple year contracts, as appropriate.

21. We are further concerned with the ramifications of section 502, lines 16 through 18 in that the provision gives rise to the question of whether such production of government works would be in the public domain or would be subject to copyright laws especially if the documents so privately printed were privately researched at government expense.

22. Is the Supreme Court of the United States also now included as one of the entities which must by law have its printing done by or through the Government Printing Office? This question should be resolved.

23. The legislation fails to give to the Commission, its members, the Director of Administration Services, the Director of Production Services, the Director of Distribution Services, for their employees, any sort of qualified official immunity when doing their non-discretionary duty under the law. In the case of *Doe* v. *McMillian*, 412 U.S. 306 (1973):

Parents of District of Columbia (D.C.) school children, brought an action seeking damages and declaratory and injunctive relief for invasion of privacy which they claimed resulted from the dissemination of a Congressional report on the D.C. school system that included identification of students in derogatory contexts.

The named defendants included members of a House Committee, Committee employees, a Committee investigator, and a consultant; the Public Printer and the Superintendent of Documents; and officials and employees connected with the school system. The Court of Appeals affirmed the District Court's dismissal of the complaint on the grounds that the first two categories of defendants were immune by reason of the Speech or Debate Clause, and that the D.C. officials and the legislative employees were protected by the official immunity doctrine recognized in *Barr* v. *Matteo*, 360 U.S. 564. The Supreme Court, however, held that while the congressional committee members, members of their staff, the consultant, and the investigator were absolutely immune under the Speech or Debate Clause insofar as they engaged in the legislative acts of compiling the report, referring it to the House, or voting for its publication. Pp. 311-313. The Clause did not afford absolute immunity from private suit to persons who, with authorization from Congress, perform the function, which is no part of the legislative process, of publicly distributing materials that allegedly infringe upon the rights of individuals. The Court of Appeals, therefore, erred in holding that the Public Printer and the Superintendent of Documents who were charged by law with such public distribution were protected by the Clause. Moreover, the Court held that the Public Printer and the Superintendent of Documents are protected by the doctrine of official immunity enunciated in *Barr* v. *Matteo*, supra, for publishing and distributing the report only to the extent that they served legitimate functions in doing so, and the Court of Appeals erred in holding that their immunity extended their limit.

24. The words "such publications" on line 18 on page 81 is far, too restrictive. There is absolutely no way that the cost of any particular document can be computed in sufficient time to make the pricing so precise. Averaging is an absolute necessity.

For example, the destruction of unsaleable copies is part of the cost of any sales program, but this is not known until the publication has been on sale for perhaps two or three years. Also, many publications are ordered from different contractors either simultaneously or at various times, and it would be impossible to keep track of which publication came from which particular contract, which particular press run, which particular press, or what time of day, etc., all of which factors cause the actual expenses for each particular publication to vary. A great deal more flexibility is needed in this area of pricing than the present bill anticipates.

25. Line 3 of page 82 provides for discounts to dealers, quantity purchasers and nonprofit libraries. Are such discounts to be considered a cost in computing the sales price of a document? If not, who will pay such discounts? Will they be through appropriated funds? This should be clarified.

26. The contents of chapter 9, which run from page 86 through 90, appear to be putting into permanent law matters which probably should be covered by House and Senate rules.

27. There should be a specific provision in the law which would "require" the National Publications Office to do all printing which is submitted to it on a requisition accompanied by a certificate of necessity. Such a provision would provide a necessary legal protection to the officials of the National Publications Office as pointed out previously in connection with the *Doe* v. *McMillian* case by making the printing and distribution of such material a clear statutory responsibility. (See also comments of the Supreme Court 412 U.S. 306 at p. 323.)

28. The provision of section 4 on page 92, requiring annual authorization, seems a bit too frequent for such a routine operation as printing, binding, and distribution. Perhaps, this should be adjusted to require only additional authorization every ten years or so.

29. It appears that section 14, relating to effective dates, on page 110 is designated to allow for some advance work so that everything will be in place and ready to go on January 1, 1981. However, as presently worded, it could possibly be construed to set up a dual system which could be very confusing and counter-productive. Accordingly, it may be well to modify the provision of Section 14 to provide that the officers provided for in the new Act may be nominated with appointment in advance *with an effective date of January 1, 1981.* Also, that the comprehensive regulations provided for in section 307 could be prescribed and reviewed by the Committees of the Congress but that they would also have *an effective date of January 1, 1981.* Thus, the advance work could be done, everything can be in place, ready to go, but will not have the confusion of a dual system. Also, since the new agency will be established in the legislative branch, the approval of the legislative appropriation subcommittees seems more appropriate than the approval of the Office of Management and Budget for the payment of already appropriated GPO funds.

30. We would further recommend that the Bill be amended to include the following clause as a new section:

"For purposes of the Public Buildings Act, 40 U.S.C. 34, any building of the National Publications Office used primarily for the manufacture and production for printing shall be deemed a special purpose building under the control, operation, and maintenance of the National Publications Agency. The Director of Administrative Services may employ such persons as necessary to carry out the provisions of this Section."

In summary, as with my predecessor, the Honorable John J. Boyle, even though I believe in an evolutionary rather than a revolutionary approach to changing title 44, I recognize that there is within the Congress a certain dissatisfaction with Joint Committees.

If it is the intent of this Committee to abolish the Joint Committee on Printing, then I offer my support to find a way to do it that will not destroy the present cost-effective production capability of the Government Printing Office, nor reduce the effectiveness of the present documents distribution and printing procurement programs.

Mr. MOAKLEY. Mr. Saylor, I gather from your oral presentation that you feel that the changes that are needed in the Printing Office can be done by just a few simple amendments rather than the major reorganization?

Mr. SAYLOR. That's correct, sir.

Mr. MOAKLEY. How long have you been with the Printing Office?

Mr. SAYLOR. Going on 31 years, sir, 20 years of that 31 were in the management area of GPO.

Mr. MOAKLEY. I have no other questions.

Mr. Bauman.

Mr. BAUMAN. Mr. Saylor, quite often we get to a point in the legislative process where attitudes are reduced to cliches, one of the cliches used around the Congress a bit by people who oppose changes in the existing law is "If it ain't broke, don't fix it."

Mr. SAYLOR. That is right.

Mr. BAUMAN. And in reading the testimony and the report of the House Administration Committee, one thing that was just briefly mentioned was the Joint Committee on Printing study by Coopers & Lybrand in 1978 about the management and systems of the Government Printing Office and related activities. Are you familiar with that study that I mentioned?

Mr. SAYLOR. Yes, sir, I am.

Mr. BAUMAN. I gather just from a brief reference to it that what they said in essence was that the system had refined itself fairly well and was working fairly well and to quote them, "No sweeping changes are warranted."

Mr. SAYLOR. That's correct, sir. There were deficiencies found during the time that they were there. I am happy to say that a lot of these deficiencies have been corrected based on their recommendations. We report these corrections to the Joint Committee on a regular basis and I quite agree that with the exit-type interviews that we had with the officials from Coopers & Lybrand. Sitting where I was sitting and overseeing the operations that I was overseeing there was indeed a general attitude that no sweeping changes were needed. There were some things that needed repair, not wholesale fixing.

So I quite agree with the way that report came out on that matter.

Mr. BAUMAN. One thing that was not clear to me from reading the record prompts me to ask, what is the genesis of this entire legislation? I understand they appointed this ad hoc committee, but there is always somebody who says this does need fixing and we, therefore, think we ought to form a study group as they did here. Where did the suggestion come from that there was something wrong with the GPO system, if you know?

Mr. SAYLOR. Mr. Bauman, that probably is the most important unanswered question that the former Public Printer, the one before him, myself, and the rest of management of the GPO find unable to answer. While we are first to admit that our system isn't perfect, and it always needs fine tuning, and it always needs to be brought up to date, we do not see anything major wrong with the Government Printing Office that would warrant such an attempt to reorganize.

I wish I could answer you, sir. I do not know.

Mr. BAUMAN. There haven't been any wholesale complaints from your customers, that is, the other agencies of the Government or from the Congress about your operations?

Mr. SAYLOR. No, sir. There have been complaints. I would be the first to admit this, and I am sorry that there were. The executive

agencies do have problems at times with the Government Printing Office. But I don't believe these are problems that extend beyond what would normally be expected in an operation of our size.

Moving to the commercial sector where we do an enormous amount of business, you would expect that this, perhaps, would be the area that we would receive the most complaints. I think we probably enjoy the finest business relationship that could be imagined. We do have complaints at times, sir, but most of them are misinterpretations of contract terms, or things that would normally be expected.

Wholesale? No, sir.

Mr. BAUMAN. One of the other questions is rather glaring from the House Administration Committee report concerning the cost of this legislation. I met yesterday with some staff members of the Congressional Budget Office in an attempt to gain more information from them because the report they filed is woefully deficient in my opinion in estimating costs.

The Office of Management and Budget came up with a rough figure of $5 billion if everything went wrong as far as it could.

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. Have your people had a chance to look at these two cost estimates and give any estimate of what they think it might be?

Mr. SAYLOR. We are familiar with both efforts, Mr. Bauman. While I can't attest to the accuracy of the $5 billion figure cited by OMB, even a lower figure, say one-fifth of that—$1 billion—would be an enormous increase. I don't exactly know the makeup of that $5 billion.

As far as the Congressional Budget Office is concerned, they did have contact with the Government Printing Office and I might say it was kind of a late effort in order to get their report done. My recollections were that we dealt mainly with the indexing provision of the new bill and what that would cost.

However, my questions to them were: What index did you want? How extensive do you want it?

I can't talk about it until I know what this index will be. We could have a simple index with modest cost, or we could have an extensive indexing with larger costs.

I, too, agree that the report does not touch all aspects of the bill and is deficient in its final analysis.

Mr. BAUMAN. Where would most of these costs from your viewpoint come from? Obviously we don't have a record that indicates it, but is much of it attached to the library system as it would be revised and the distribution as opposed to the printing?

Mr. SAYLOR. I have to assume, sir, that—not really, knowing the full extent of what this library system, as we can call it, will be; but I have to assume that the bulk of the cost will occur there. Again, it is what the bill doesn't identify that gives me a problem. In my opinion, the bulk of the costs would occur in these areas.

I also feel that there will be additional costs in the actual printing and binding operations of the Government Printing Office by another layer of bureaucracy being placed upon an efficient organization. That is an additional cost.

I understand that there has been a report indicating that if the JCP would be abolished, it's costs as opposed to the new commission would be a wash. That perhaps is true.

I just don't see anything in this bill, not one single thing that I can recognize—and I may not be interpreting it correctly, sir—that will either hold the line or lower the cost of Federal printing.

Mr. BAUMAN. One of the points made by the CBO people was that the bill, in effect, has an open-ended area because the commission will be granted the right to write regulations and rules governing much of what is now governed by title 44 and that without some idea of what form those regulations might be in, no one can tell what the costs will be.

Mr. SAYLOR. I share that same view, sir. Again, I will say, by not knowing specifically or actually what the bill can do ij the future, it is very hard to put a price tag on it.

Mr. BAUMAN. Let me ask you a few questions about the labor-management provisions. What has been the history in recent years of labor-management activities at the Government Printing Office? Have you had troubles? I haven't been that close to it.

Mr. SAYLOR. No more troubles than would be expected from an organization of our size. Let me, if I may, take a moment or two to tell you where we were a few years ago and where we are now in respect to the Keiss Act and the way we negotiate.

Before, we had conferences with the trades affected. But we now actually negotiate wages. In my time the procedure worked something like this:

The Public Printer would call representatives of the trades to his office; he would tell them what he intended to offer them in the way of compensation; he would thank them for attending; and they would leave. And that was the extent of what happened under the Keiss Act.

In recent times, the past 7 or 8 years, true negotiations have been undertaken. Two years ago we, for the first time, went to mediation with the unions. Last year we took another step forward. We were at impasse on what the Public Printer offered and what the unions wanted and we went to factfinding with a recommendation made to the Joint Committee on Printing.

I think we are on target as far as actual negotiations are concerned. We indeed are engaged right now in negotiations and I will say that this year I believe we are even further along. I met, prior to coming over here, with my negotiating team and for the first time in my memory at this stage of negotiations they say that we have a 50–50 chance of reaching accord with the union.

That was almost unheard of in the past. We were always at impasse.

Mr. BAUMAN. Do you have annual contracts with the unions?

Mr. SAYLOR. Sir, we don't have a contract as such; we have an agreement. And without divulging what is going on in current negotiations, yes sir, they are annual.

Mr. BAUMAN. It has never come to the point where there has been a work stoppage or has it? Again, I am totally unfamiliar with the operations over there.

Mr. SAYLOR. In my experiences we have had some interruptions in the work of the Government Printing Office that just coincidentally coincided with the negotiations.

Mr. MOAKLEY. Would the gentleman yield?

Mr. BAUMAN. Yes; I would be happy to yield.

Mr. MOAKLEY. How long were you interrupted? [Laughter.]

Mr. SAYLOR. Sir, it was less than a week, but with the vital business we do for the Congress, an hour's interruption is of great concern to us.

Mr. BAUMAN. The reason I pursue that, is that quite obviously, if this bill became law, and Taft-Hartley and Landrum-Griffin were applied for the first time—with some exceptions as suggested here—to a Government agency, there would be some drastic changes in the way management and labor both were able to operate and negotiate and so on.

The precedent of it concerns me a great deal, worries me, but I wonder where the parallel labor law application to a Government agency is?

Mr. SAYLOR. Again, Mr. Bauman, that is another unanswered question. If our work force were undercompensated and worked, if you will, in sweatshops, and had management absolutely refused to listen to them, I would probably be sitting with them to help bring about a change of some type. But our craft employees enjoy at least equal and in most cases superior compensation for what they do over what is enjoyed by the rest of the Federal Government and indeed the private sector throughout the United States.

We believe our conditions are as fine as, equal to, or better than you will find in any commercial establishment that does the same kind of business we do.

We have just recently completed a modernization program, with one major area yet to go, that affords our workers the best that technology will give us in equipment. We have extensive training programs. So I am completely baffled why this is in the bill.

Mr. BAUMAN. A large part of your activities are contracted out; are they not?

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. What percentage is currently contracted out?

Mr. SAYLOR. Approximately 70 to 30 percent; 70 percent going outside, and 30 percent staying within the Government Printing Office. A large percentage of that 30 percent is the work of the Congress. The balance of that 30 percent would be work of a national security nature. It would be work that we would need in-house to balance our workloads when Congress was in recess, and the remainder would be work with such short time schedules that commercial printers would not bid on it.

Mr. BAUMAN. Of the 70 percent contracted out, what is the union/nonunion breakdown roughly? Do you have that information?

Mr. DIMARIO. We probably can't give you an exact percentage on it because of the nature of the printing industry itself. It is largely a "mom and pop" operation, and a great number of the small shops are ununionized.

Presently the average dollar value of our contracts is somewhere about $2,000 to $2,500 per contract.

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Mr. BAUMAN. As an average price.

Mr. DIMARIO. Average contract, yes; they're very, very low. So they predominantly go to small businesses which are predominantly nonunion. It is difficult to give a percentage in dollars and cents.

Mr. BAUMAN. The minority views in the report say that 86 percent of the commercial contracting goes to small businesses.

Mr. SAYLOR. I would agree with that.

Mr. BAUMAN. Most of those you would think would be nonunion; is that what you are saying?

Mr. DIMARIO. I think the higher percentage is. They are usually family owned businesses with under 30 employees.

Mr. BAUMAN. You do have some union contractors that work on the outside for you?

Mr. DIMARIO. Yes, sir.

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. How do you determine—is it totally on a bid basis—where your contracts will go?

Mr. SAYLOR. Yes, sir, we determine it solely on the basis of the lowest responsible bidder. That is the only criteria that we base awards on.

Mr. BAUMAN. And there are times that does turn out to be a union shop, or union controlled?

Mr. SAYLOR. It could go either way, yes, sir.

May I just give you a couple figures that may give you a better perspective of what we are talking about?

For last fiscal year we contracted out $427 million worth of business and that was offered to over 7,000 bidders that we keep on our master bid list. Of that 7,000 a little over 3,000 bidders were able to handle that $427 million. So it is a large program that we run.

Mr. BAUMAN. Well, the charge is made that if this legislation became law that there could be, theoretically, negotiated an agreement between the printing unions at GPO and GPO—or whatever the new entity would be—that could exclude large parts of the nonunion printing outside; is that correct to your knowledge?

Mr. SAYLOR. Yes, sir. It's what we think the bill could allow. It could be negotiated, if management at that time was permissive enough to allow it, that the prevailing rate would be paid by the commercial firm doing that contract. This would force a lot of the small businesses out of bidding on our contracts if the prevailing rate had to be paid.

Mr. BAUMAN. Do you have any idea what your cost increase resulting from such an arrangement would be? Would it be enormous?

Mr. SAYLOR. I would think it would be substantial; yes, sir. We would have to pass this right back to our customers, and in this case it is the Government.

Mr. BAUMAN. You may not be the proper witness to ask it of, but I am particularly concerned about the distribution costs and reproduction costs under the definitions in this bill about what would be sent out to the depository libraries. Are you close enough to that situation to respond to questions?

Mr. SAYLOR. I may be, sir, and I would certainly attempt to answer your questions.

Mr. BAUMAN. There is a definition here of what support services and public documents are. In this bill is there a greatly expanded definition of those terms from existing law?

Mr. SAYLOR. I think the language in the bill is an expansion of the existing law.

Mr. BAUMAN. Government publication, that's another one.

Mr. SAYLOR. Yes; this will include audiovisuals which would be TV tapes and movie films. These are beyond what we do now.

Mr. BAUMAN. Who administers that part of the law now? The depository library programs, I mean. Is that by the GSA?

Mr. SAYLOR. No, sir, the depository library program is under the authority of the Joint Committee on Printing and the policies are made by them. These policies carried out by the Superintendent of Documents who works for the Government Printing Office and is under my office.

Mr. DIMARIO. May I jump in here. I think the additions you are coming to on this are the addition as to audiovisual materials. That presently is not under our auspices at all.

We make no distribution of audiovisual materials. We are dealing strictly with ink-on-paper and microfiche-type publications.

This would expand that definition to include audiovisual publications. To the best of my knowledge the responsible agency in Government for audiovisual materials now is the National Archives and Records Service which is under the General Services Administration as a separate operating agency.

Mr. BAUMAN. Would that be brought under this new Commission that is proposed?

Mr. DIMARIO. There is some question on that that has been raised in the bill by the inclusion of the term. In a discussion that we jointly had with the staffs of the Government Operations Committee and the Administration Committee of the House, that issue was raised and the Government Operations people indicated that they would like some modification of that provision. I believe at the markup in the House Administration Committee the issue was raised also; nevertheless, it was included in the reported out bill.

Mr. BAUMAN. Thank you, Mr. Chairman, for your indulgence, but could I ask about the abolition of the Joint Committee on Printing, which is really our area of jurisdiction on this?

Mr. MOAKLEY. Sure.

Mr. BAUMAN. The committee now exercises oversight in what way? Obviously the committee of Congress can't very well manage the GPO.

Mr. SAYLOR. Correct, sir.

Mr. BAUMAN. How often do they intercede; how much direction is received and from whom is it received? From staff? Is it staff directed?

Mr. SAYLOR. Yes; my contact is with the staff director on almost a day-to-day basis mostly about things that I would need some clarification on. The type of things that are exchanged between us are things the two of us can decide upon without involving the Members who serve on the Joint Committee. The Members themselves set broad policy and we carry out that policy. The staff director with matters concerning him and me with the day-to-day operations of the Government Printing Office.

Mr. BAUMAN. Do you have some sort of codified set of rules that you work from?

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. Or policy decisions, maybe, that guide you on the various situations other than the statute?

Mr. SAYLOR. Yes, sir, there is. There is the "Government Printing and Binding Regulations" which is initiated in the Joint Committee on Printing. It is updated on a regular basis. This is the so-called bible that we and the executive agencies refer to in the matter of printing and binding.

Mr. BAUMAN. Occasionally the committee will convene if some large question arises and it can't be resolved otherwise?

Mr. SAYLOR. That is correct, sir. I might add that that is a rarity when that happens, that is, when we have to get the full committee to act on any particular thing.

Mr. BAUMAN. Are you telling me then in essence that you are not really supervised by the Congress except in theory?

Mr. SAYLOR. I think we are supervised by them with their broad policy and by us carrying out that policy, sir, and with the assistance of the "Printing and Binding Regulations." That is how the oversight is exercised.

Mr. BAUMAN. I ask that question because if we name a new commission with noncongressional members for the most part to do what a congressional committee is now doing anyway, it seems to me that——

Mr. SAYLOR. Yes.

Mr. BAUMAN [continuing]. To be superfluous. Why duplicate the current operation? I do think retaining ultimate control over your operation by Congress is critical, particularly because of the large part of your volume that you do yourselves in printing coming directly from Capitol Hill. I think that that is something that should remain under our control.

Mr. SAYLOR. I might add, Mr. Bauman, that as far as whether the joint committee stays in place or is replaced by something else, that I do sympathize with the Members of Congress who serve on the Joint Committee in this respect. I know they have many other things that they must do. As I said earlier in my statement, if it is a time-consuming task, if it is of great concern, which evidently it is to the Members, many of these things could be vested in the Public Printer under the authority they have now and they could turn these ordinary everyday mundane tasks over to the Public Printer and relieve themselves of that responsibility.

Mr. BAUMAN. Isn't that in essence what you have just said has been done by historic development?

Mr. SAYLOR. That would be a fairly accurate statement; yes, sir.

Mr. BAUMAN. Thank you, Mr. Chairman.

Mr. MOAKLEY. Thank you, Mr. Bauman.

I see you are Acting Public Printer.

Mr. SAYLOR. Yes, sir.

Mr. MOAKLEY. How long have you been Acting?

Mr. SAYLOR. Since March 1 of this year, sir.

Mr. MOAKLEY. And is the Acting Public Printer also appointed by the President?

Mr. SAYLOR. No, sir. Title 44 states that in case of resignation, sickness, or death of the Public Printer the Deputy Public Printer will assume the role of Acting Public Printer until the President acts to appoint a successor. That is the role that I am in right now.

Mr. MOAKLEY. OK.

Does the Public Printer receive any direction from the President in his duties other than just being sworn in?

Mr. SAYLOR. No, sir. I don't believe that there is any direct involvement with the President regarding carrying out his duties as Public Printer.

Mr. MOAKLEY. Under the Reorganization Act, there would be a National Publications Commission set up.

Mr. SAYLOR. Yes, sir.

Mr. MOAKLEY. What difference do you see in the National Publications Commission's role, and the role of the Public Printer as currently constituted?

Mr. SAYLOR. The Public Printer as presently seated can make decisions on a day-to-day basis without having to go to, at best, a part-time Commission to receive his instructions of what he is to do about any certain thing.

We are in a very volatile business—printing—and I know with your service in the Congress you know how important it is to have certain things at certain times. It is a perishable type of product in most cases, and decisions need to be made on the spot. I think it would be a great impairment if the so-called chief executive officer of the Government Printing Office had to go to a commission to receive his marching orders.

Mr. DIMARIO. Could I add something.

Mr. SAYLOR. Sure.

Mr. DIMARIO. I think in regard to your question, some of the functions the Commission would perform are not functions presently performed in the Government Printing Office. This is also in response to Mr. Bauman's question of before. They are functions being performed by staff of the Joint Committee on Printing.

There is an oversight responsibility in the JCP as to all printing and binding throughout the Government. So there is a question of the supervision of the purchase of equipment that is now done through the Joint Committee staff, and ultimately the Joint Committee for all agencies of Government in the executive as well as in the legislative branch.

That function would be performed by the Commission.

There is also a provision that would require on the procurement of printing from outside sources, that the head of an agency could get waivers from the Commission staff on certain procurements. We presently make those decisions on whether we are going to go outside with the job or go inside with the job based on our technical capabilities, what the specifications are on the particular job, whether or not a commercial source would produce it more economically for the Government, and so on.

So there are a great many business judgments that go into those kinds of decisions. We see vesting that kind of judgmental process to a degree in the Commission or in the agencies themselves as being a difficult thing. You lose control of the printing and binding function and this again is in response to you, Mr. Bauman, in your

previous question and that is the $5 billion figure that was put in, that is the total figure that OMB has suggested it would cost the Government generally, not just GPO. I think that in part—although they do not specify it—they may have some reference in there as to the way the procurement function is carried out in addition to the library function. That is in the Commission under this proposed bill.

Mr. MOAKLEY. Mr. Saylor, in response to questions of Mr. Bauman, it seems the Joint Committee on Printing is giving you a great deal of latitude in your day-to-day operations.

Mr. SAYLOR. That's correct, sir.

Mr. MOAKLEY. Is there any specified time that you have to appear before the joint committee for any specific purposes? I am just wondering how they are really exercising control, or supervision, over you.

Mr. SAYLOR. No, sir, there is not.

Mr. MOAKLEY. You say you meet with some of the staff on a daily basis or weekly basis?

Mr. SAYLOR. Well, telephone contacts, yes.

Mr. MOAKLEY. What would you be calling about, just generally?

Mr. SAYLOR. For instance, an executive agency may want to purchase a piece of typesetting equipment and we learn of this. We may have the same equipment in place with time left on it and we would discuss with the Joint Committee staff whether that agency should be allowed to buy when we have resources available at the Government Printing Office. We would then meet with the agency and see if we could accommodate their needs on the equipment that was in place at the GPO.

Mr. MOAKLEY. Would you be notified if any Government agency wanted to buy any sophisticated printing equipment, as you call it?

Mr. SAYLOR. No; we would not be, sir. We learn of this at times because we are in the business and it is a rather small business and we learn about it. The Joint Committee would be notified because an agency must receive permission from them before they are permitted to buy equipment.

Mr. MOAKLEY. Right. Let's turn it around then. If the Joint Committee on Printing learned about it, would they call you on it?

Mr. SAYLOR. Yes, sir.

Mr. MOAKLEY. So you would know about any sophisticated equipment purchases?

Mr. SAYLOR. Yes; and they ask us for our technical help as to the quality and the efficiency of the equipment. Also to find out if we have the same service to offer so there would not be duplication of efforts.

Mr. MOAKLEY. All right. Now, is there any time that you are called before the Joint Committee on Printing?

Mr. SAYLOR. The only time has been when we have had impasses over wages. I might add that we currently have a problem with surplus employees at the GPO, brought about by technological changes, and I have met with some members of the Joint Committee on Printing in the past month pertaining to this matter.

Mr. BAUMAN. Would the gentleman yield at that point?

Mr. MOAKLEY. Yes; I would yield to the gentleman from the Eastern Shore.

Mr. BAUMAN. Does the Joint Committee have authority to resolve wage impasses?

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. They are the ultimate employers, in effect; is that what you're saying?

Mr. SAYLOR. Yes, sir; they are the final decisionmakers in wage matters. On appeal, that is. Either side can appeal, of course.

Mr. BAUMAN. Appeal to——

Mr. SAYLOR. To the Joint Committee on Printing and the Joint Committee will hear both sides and render a decision on the wage question presented.

Mr. BAUMAN. Has that ever occurred?

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. It has?

Mr. SAYLOR. Yes, sir.

Mr. BAUMAN. Thank you.

Mr. SAYLOR. It occurs quite frequently.

Mr. MOAKLEY. Also, following up on that, before your negotiations become final and you put your stamp of approval on the agreement, do you have to get approval from the Joint Committee on Printing?

Mr. SAYLOR. Yes, sir. If I make a final offer to the crafts, I send that final offer to the Joint Committee on Printing for their approval.

Mr. MOAKLEY. So that is one supervisory function of the Congress.

Mr. SAYLOR. Yes.

Mr. MOAKLEY. That that committee has anyway.

Mr. SAYLOR. Yes.

Mr. MOAKLEY. What about the matter of the percentage of your work which has to be contracted out? Is that a matter for the Joint Committee on Printing to work out?

Mr. SAYLOR. No, sir. I think their concern would be that we would do one thing—keep the plant evenly loaded with work. I think as long as we would maintain that posture the Joint Committee would have no concern as to what we were doing. We must, at the Government Printing Office, gear up to handle the most busy day that Congress would have. We always have to be ready for that.

The Congressional Record, as you well know, sometimes is a very small 16 pages, but sometimes it is a massive document.

Mr. MOAKLEY. When you say evenly geared up, do you mean you have standby people in case of emergency or do you have to maintain a full work force?

Mr. SAYLOR. I maintain a full work force for that heavy congressional day that we always get. I keep work in the plant to even out for the slow days. If a busy session of Congress was going on, I would be out to the commercial market looking for help. If by the same token Congress was in recess, I would hold work inside to keep my work force and equipment busy.

Mr. MOAKLEY. Now, you have a permanent work force, do you not?

Mr. SAYLOR. I have a permanent work force.

Mr. MOAKLEY. So they work whether it's a slow day or a heavy day.

Mr. SAYLOR. Yes, sir, they work regardless.

Mr. MOAKLEY. So by evening out, you save some of the matter that isn't so critical for those days that you are going to be slow?

Mr. SAYLOR. Yes; I hold back work that I would normally procure during a busy period.

Mr. MOAKLEY. And what criteria are your employees selected under? How do you make your judgment in that regard for employing your people?

Mr. SAYLOR. We hire off the OPM registers. We have standards that they must meet. The OPM creates registers for each classification that we have in the Government Printing Office and they submit names to us off the register and then we select from the register those employees we feel best qualified to fill those positions.

Mr. MOAKLEY. Do you have to adhere to the civil service regulations that every other agency does?

Mr. SAYLOR. We do adhere to all of those regulations. We follow all the established procedures put forth by them. Yes; we do.

Mr. MOAKLEY. Good.

All right, Mr. Frost, would you care to question?

Mr. FROST. No questions.

Mr. MOAKLEY. Any other questions?

Mr. BAUMAN. I have one additional question. Assuming the bill were enacted—and under the present Civil Service Reform Act you have no obligation to negotiate matters such as layoffs, suspensions, or hirings or firings or assignment of work, disciplinary action and so on—but if enacted those matters would become subject to negotiation with this bill; is that correct?

Mr. SAYLOR. The way I understand it all of that would be matters for negotiation, or they could be.

Mr. BAUMAN. Could be?

Mr. SAYLOR. Could be; yes, sir.

Mr. BAUMAN. Are there any other Federal agencies that are now required to negotiate on those matters?

Mr. DIMARIO. Not to the best of my knowledge. The Postal Service might be an exception in some aspects.

Essentially right now we have two systems in place, and Mr. Saylor described one which is the negotiations as to wages under the Keiss Act. That is the provision in 44 U.S.C. 305 and governs our wage matters.

Separate and apart from that, all other activities are governed by chapter 71 of title 5 which is, of course, the Civil Service Reform Act and the provisions that are in there as to labor relations.

We are not under all provisions of title 5 but we are under the labor-management portions of it. That labor-management provision in title 5 has a management rights clause set forth in there which both indicates what is absolutely management's right to do and then what are the areas that management can permissively bargain in.

Contracting out is an example that is mentioned in a part of the management rights clause as a right of the Government to determine the means by which it is going to do the work. Whereas,

under the Taft-Hartley provision there is no such provision and it becomes a mandatory subject of bargaining under existing case law.

The employees under the proposed bill would come under title 5 for most purposes, but they would have a right to negotiate away from the title 5 provisions. Initially, as I read it, they would have to follow the title 5 provisions, say, as to disciplinary matters, and whatever they would provide in terms of the ability to either arbitrate or handle the disciplinary matter, through the Merit Systems Protection Board or some other system. However, if they negotiated away from the provision, then they could apply whatever rules are applicable in the private sector. Essentially they would start at the level of the existing law for all Federal employees or most Federal employees but thereafter be able to negotiate any provisions whatsoever over and beyond that with few limitations.

Mr. BAUMAN. When the Civil Service Reform Act was being written a year or so ago, there was a major push by Government employee unions to gain all sorts of bargaining rights and almost the full panaply of rights that Taft-Hartley and Landrum-Griffin give them and apply them for the first time to the Federal Government across the board. Now that was rejected by the Congress, was it not?

Mr. DIMARIO. Yes, sir.

Mr. BAUMAN. So this bill would be the first time they have achieved a part of their objective in extending that to Federal agencies if it became law?

Mr. DIMARIO. I would agree with the possible exception of the Postal Service, which I believe is under Taft-Hartley, with some modifications. I am not familiar with all the modifications. But to the extent they remain Government employees in the Postal Service, yes, that would be an exception, otherwise your statement would be accurate.

Mr. BAUMAN. Not putting you on the spot, but is it your opinion, Mr. Saylor, that that is one of the major objectives of this legislation—to achieve for the unions what they have not been able to achieve through prior efforts?

Mr. SAYLOR. I would have to assume that, sir.

Mr. BAUMAN. Are you aware of public statements to that effect by union officials, for example?

Mr. SAYLOR. Not really, sir.

Mr. BAUMAN. Well, charges have been made, whether through minority views, or in discussions or whatever; I just wonder if anyone has come out of anywhere and said it instead of dancing around it, and——

Mr. SAYLOR. I have not actually heard it stated, chapter and verse. It has been alluded to, but I have not heard it actually spoken.

Mr. BAUMAN. Thank you.

Mr. MOAKLEY. Thank you very much for your statement, Mr. Saylor and Mr. Dimario.

Mr. SAYLOR. Thank you, Mr. Chairman.

Mr. MOAKLEY. Our next witness is Mr. James O'Neill. Acting Archivist of the United States.

Would you please come to the table. You may bring staff with you if you desire.

STATEMENT OF JAMES E. O'NEILL, ACTING ARCHIVIST OF THE UNITED STATES

Mr. O'NEILL. Mr. Chairman and members of the subcommittee, thank you for giving the General Services Administration the opportunity to testify on H.R. 5424, the revised bill to establish a new system for administering the Federal Government's public printing services and the distribution of public documents.

I am testifying for our agency because of the many responsibilities of GSA's National Archives and Records Service in these fields.

The laws governing public printing in title 44, United States Code, need revision and updating. However, we have serious reservations about H.R. 5424 and have expressed them in our written comments on the bill and in testimony given before the Subcommittee on Printing last November. During that hearing the chairman of the subcommittee gave assurances that several of our concerns about the bill's impact on the National Archives and Records Service were unfounded.

In particular we were concerned that the bill would have an adverse effect on the publication program of the National Archives Trust Fund Board. Although the bill defines distribution as any Government publications sales program not specifically established by law, we sought assurances that the sales program authorized by the National Archives Trust Fund Act would be exempted from the provisions of H.R. 5424. If the trust fund's distribution activities were not exempt from H.R. 5424, two highly successful programs serving the public could be severely affected. One result would be to terminate the National Archives' microfilm publication program since no appropriated funds are provided by Congress for this purpose.

If the National Publications Office (NPO) were to attempt to take over the distribution of the National Archives' microfilm publication program with revenues being deposited in the NPO revolving fund, the money, which is now deposited in the National Archives Trust Fund to finance additional microfilm publications, would be eliminated.

The trust fund was established by Congress to enable the National Archives to provide reproductions of its archival holdings and information about these records to the public on a self-sustaining basis. The NPO could not take over the National Archives microfilm publication program because unique, valuable, and often fragile records cannot be permitted out of National Archives custody for filming. So the end result would be to terminate the microfilm publication program and reduce the availability of information desired by the public.

If the distribution function of the National Archives Trust Fund were subject to H.R. 5424, it would also mean a virtual end to the National Audiovisual Center which provides centralized distribution services for audiovisual products made by or for the Government. The Center is the information source on Government audiovisual products and also rents or sells them to the public. Free loan

of films is also available for those films for which the originating agencies have determined that it is in the public interest and they have agreed to subsidize NAC's expenses for handling the loans. The National Audiovisual Center has been doing this successfully for 10 years at little cost to the Government and taxpayers, since distribution and sales are handled through the National Archives Trust Fund. We could see no advantage to the Government or the public in transferring to NPO a function now being performed well under such an economical arrangement and which would also cause the expenditure of considerable public funds to duplicate the existing NAC operations.

We also pointed out that since the definition of "public printing services" which must be obtained through the NPO includes the clause "furnished in whole or in part at Government expense" we believe the printing activities of the National Archives Trust Fund Board would be exempt because they are not financed with Government-appropriated funds.

The chairman of the Subcommittee on Printing indicated that our interpretation of H.R. 5424 was correct and that printing and distribution activities of the National Archives Trust Fund Board would be exempt from the bill's provisions. These assurances alleviated many of our concerns about H.R. 5424. We also expressed concern about the NPO's responsibility for maintaining a complete collection of public documents. The National Archives is responsible for preserving making available for use the Government's permanent records—including printed records. Since the National Archives came into being in 1934, it has acquired record sets of publications of enduring value from the various agencies, and in 1971 the Public Printer offered, and the National Archives accepted, GPO's own library collection which is now available for reference use.

The House report on H.R. 5424 indicates that maintenance of the collection by NPO does not require the physical possession of copies of all Government documents, but merely directs that the Director of Distribution Services have knowledge of all existing materials and that he have access to them for the purpose of making them available to depository libraries. The complete collection, and the Director's access to it, is intended to serve as a lending library of "last resort" for the depository libraries, providing a copy of, or access to, any Government publication requested by a member of the depository system. While we support the effort to provide comprehensive access to Government publications, we must point out that Government publications which have been or will be accessioned into the National Archives cannot be loaned to institutions or individuals. Only by not loaning accessioned records can NARS hope to insure that all records are always available to researchers and to maintain the historical integrity of the records. Photoduplication services are available for a small fee and information from or about the records is furnished upon request. It is our understanding that it is the intent of H.R. 5424 that two separate collections of public documents shall be maintained: the archival collection to be preserved by the National Archives; and the lending library collection to be maintained by the NPO.

We note the elimination from H.R. 5424 of the current statutory provisions which require the Public Printer to provide the National Archives with certain copies of Government publications for use in the National Archives and the Presidential libraries. Although we pointed out that these copies were often very important in providing background information for archivists making determinations about the disposition of agency records or assisting the public doing research in agency records, we were informed that in the future NARS would have to purchase from NPO any copies we required. Since copies of the publications are essential to the work done at the National Archives and since purchasing the publications would involve no savings to the Government—simply a transfer of appropriated money from one Government fund to another with increased costs for processing the purchases—we favor the continuation of the provisions of the existing law to provide certain Government publications to the National Archives.

We continue to be concerned about the budgetary impact of providing an extensive array of public documents to depository libraries. Although we have no way of estimating the overall cost of implementing H.R. 5424, we can provide estimates of the cost of the audiovisual loan program under section 707 of H.R. 5424. Although the bill does not specify how the loan program is to be carried out, the House report specifies that the materials would be made available from the NPO or cooperatively through other Government entities which house existing audio or visual collections. The Director of Distribution Services would therefore act as a lending agent for depository libraries and would pay user fees and charges, if any, from funds allocated to the National Publications Office for support of the depository library program. The report also indicates that long-term retention by the libraries of audiovisual products is permitted under criteria to be established by NPO.

As we stated earlier, the National Audiovisual Center is the primary source for Government audiovisual products including motion pictures, filmstrips, slide sets, sound recordings, video tapes, and multimedia products. We presume, therefore, that the National Audiovisual Center would be one of the Government entities through which NPO would make audiovisual products available to the depository libraries. It is impossible to estimate at this time how many audio and visual presentations would be involved in the loan program. Some information provided by the National Audiovisual Center may, however, be informative as a guide to calculating the potential costs of such a program.

According to the current annual audiovisual report submitted by executive branch agencies to the National Audiovisual Center, approximately 150,000 audio and visual presentations are produced that would fall into the category of public documents as defined in H.R. 5424. This figure is used only to provide a perspective on cost as opposed to an estimate of the number of actual products. To arrive at a working figure we first of all assumed what you could call the worst possible case, that 50 percent of the depository libraries—750—would take 50 percent of all available titles each year—75,000. All cost figures are based on producing one copy per title per library. The cost for multiple copies of the same title if ordered at the same time would slightly reduce the cost per copy.

Postage and handling is based on an average cost for all products combined. Since the materials will be sent on a free-loan basis, it is assumed that permanent records are required to keep track of every copy.

PROJECTED ANNUAL COST[1] OF AUDIOVISUAL PROGRAM

	Length in minutes	Laboratory cost	Number of titles	Number of libraries	Total cost
16 millimeter	20	$56.00	2,000	750	$84,000,000
Video tapes	20	20.00	13,000	750	195,000,000
Multimedia kits (slides/audiotapes/books)		20.50	52,500	750	807,100,000
Audiotapes (multiple tapes, per individual title)	30	1.00	37,500	750	28,125,000
Postage and packaging materials					787,500,000
Total					1,901,712,000

[1] Laboratory cost times number of titles times number of libraries equals total cost.

Although these figures are extremely high, they reflect moderate pricing. I set forth the $1.9 billion figure not to frighten, but simply to indicate a range. Other estimates of costs can be derived using the above figures if it assumed that fewer titles will be borrowed by the libraries.

For example, and probably more realistically, if only 10 percent of the libraries selected 10 percent of the available titles, the yearly cost of the loan program would be approximately $44 million. If 1 percent of the libraries—15 libraries—selected only 1 percent of the available titles—15,000 titles—during the year, the cost of the loan program would be about $470,000. If it is assumed that fewer libraries will take advantage of the loan program or that fewer titles will be selected, the base costs we have provided can be used to derive alternative estimates. We believe that it is simply impossible to accurately project how much the loan program will cost, but we are concerned that it is likely to be much higher than anyone has yet anticipated.

We would also like to bring to the subcommittee's attention our concern that calling the governing body of the NPO the National Publications Commission could cause serious confusion. It would be easy to mix up the name of the new Commission with the National Historical Publications and Records Commission. The latter has existed for more than 45 years and is well known to the academic community, librarians, and many segments of the public. We suggest that a different name be sought for the National Publications Commission, perhaps the National Publications Board.

Finally, we understand that a number of agencies have serious reservations about H.R. 5424 and believe it might be advisable to seek their views as well.

In conclusion, I thank you for the opportunity to present our views on this legislation, and I will be happy to answer any questions you may have.

Mr. MOAKLEY. Thank you very much, Mr. O'Neill.

How would you change the definition of "public document" as contained in H.R. 5424? Do you think public documents can be made available to the public by the Government in a cost-effective way, or do you think that they will just go out of sight?

Mr. O'NEILL. Well, it seems to me that I would have to agree with the witness who has preceded me, Mr. Saylor, that they are being made available in a relatively cost-effective way at the present time.

Since I am the only one here today, I believe, testifying for the executive branch, I would have to say the most executive branch agencies tend to feel that the program managers who are operating the executive branch programs mandated by the Congress are probably in the best position to make the decisions regarding the availability and dissemination of public documents, working with or through the Government Printing Office, or whatever it may be called in a new organization.

Mr. MOAKLEY. Mr. Bauman?

Mr. BAUMAN. What is your present chain of command?

Mr. O'NEILL. My present chain of command?

Mr. BAUMAN. Yes, agencywise.

Mr. O'NEILL. I report to the Administrator of General Services, and the Administrator of General Services is a Presidential appointee. He operates the General Services Administration, which is not a Cabinet office, but nonetheless larger than many Cabinet departments.

Mr. BAUMAN. And the Archives are controlled by General Services?

Mr. O'NEILL. We do the distribution through the National Archives itself.

Mr. BAUMAN. They are a management agency?

Mr. O'NEILL. GSA is our parent agency.

Mr. BAUMAN. What is your formal relationship with the GPO?

Mr. O'NEILL. For the purposes of the National Audiovisual Center, there is virtually none, except I believe they probably have produced for us our catalog of films and other available audiovisual productions.

Our National Audiovisual Center, Mr. Bauman, operates under a trust fund authority that was given to us by the Congress. The trust fund is a revolving fund.

In other words, we obtain from a Government agency—Government agencies—the master copy of a film, thousands and thousands of films, some of them brilliant, some of them very pedestrian.

We either sell or rent these films to members of the public or clubs, or universities, or libraries which wish to obtain them for some purpose. We pay our costs through what they pay.

Mr. BAUMAN. User fees?

Mr. O'NEILL. Yes. In other words, we use a revolving fund, and we are permitted to make enough to pay our costs, plus a leeway to continue development of this program.

Mr. BAUMAN. This legislation envisions the melding together of both the production aspects of Government information, printing and so on, and the distribution under one commission as I understand it, with various directors under that commission.

How would that impact favorably, or unfavorably, as you see it, on your operation?

Mr. O'NEILL. I would find it difficult to say whether it would be unfavorable or not. Our understanding is that we would continue

to operate the National Audiovisual Center, that the new agency, the National Publications Office, and its director of distribution would call upon us to send a specific film to a certain library and would reimburse us for the cost of making the copy of the film to send out.

So we would be the NPO's agent.

Mr. BAUMAN. But you are already doing that without the need for somebody to act as your——

Mr. O'NEILL. We are distributing the films, but not on an interlibrary loan basis. We are distributing on a sale or rental basis, primarily.

Mr. BAUMAN. Under this legislation, as written, you say there is potentially, if the demand, total demand could occur or does occur, you would have no ability to meet that demand at this point without enormous increases in your staff and spending. Would you?

Mr. O'NEILL. Of course, absolutely correct. Even if we assume the not unreasonable likelihood that $44 million worth of business a year might be involved, which is approximately 15 times our current operating costs of about $3 million for the Center.

Mr. BAUMAN. Do you see this legislation as placing that obligation legally on you?

Mr. O'NEILL. I would say not explicitly, but it seems to us by implication, since we are the designated Government agency in the business of distributing films and other audiovisual materials.

I cannot see that it would be desirable or useful in any way to try to create another agency to do what we are already doing, so we would be used in that way, I am sure. Orally we have been given assurances that that is what is intended.

Mr. BAUMAN. The term "public document" in title 44, I guess, is used there, and it is revised in this bill, does that give you any problem? Does it place restrictions on audiovisual materials that do not now exist, or raise problems for you with that definition?

Mr. O'NEILL. I think it does. In the original version before the interlibrary loan program was talked about, it virtually would have extinguished our National Audiovisual Center, and the good work it was doing.

There are two other categories which have been included within the range of public documents that give us some other trouble. One is microfilming.

Now, the National Archives, like the Library of Congress, from whom you will hear, has been in the business of large-scale microfilming of its holdings for many, many years, 40-odd years. This is something that we know we do very well. It is something which GPO, with all apologies to Mr. Saylor, is not experienced in.

My feeling is along the lines of what you had quoted, "If it ain't broke, don't fix it." This is an ongoing program that has worked very well. We had some concern that the definition would include microfilm publications and could conceivably extinguish the microfilm publication program we have ongoing.

The other category within the definition of public document which gives us pause is machine-readable records. For us this means the computer tapes which are increasingly used to produce,

manipulate, and store data in the Government, throughout the Federal Government, in all branches of Government.

We regard these as a form of Federal record and bring them into the National Archives. As I am sure you will appreciate, we anticipate that use of this kind of a record is going to accelerate very rapidly in the future.

It is not a publication in any meaningful sense of the term. So that is another part of the definition that troubled us.

Mr. BAUMAN. Would you be——

Mr. O'Neill. How best to make that data available, how to make the tapes available, is a problem we are dealing with.

Mr. BAUMAN. Do you see this bill as potentially giving you the obligation of providing that to the public?

Mr. O'Neill. We already provide them to the public. The question is, how machine-readable records would be related to this new organization.

Mr. BAUMAN. I understand.

Last question: Have you seen any demand for this increased availability of all these materials from your constituents, libraries, others that come to you for this? Are we trying to do something that is not necessarily necessary?

Mr. O'Neill. I would have to say that there is certainly an increased evidence of demand for the material that we have traditionally been making available.

That is all I can speak to. We are not directly involved with books or libraries.

Mr. BAUMAN. But this provision protects you?

Mr. O'Neill. I would find it difficult on the basis of our experience to see a need for changes that would lead to a major reorganization of the kind that is envisioned in this particular bill.

Mr. BAUMAN. Thank you, Mr. Chairman.

Mr. MOAKLEY. Mr. O'Neill, you have indicated that, as a result of your reading of the bill, you can see costs going up anywhere from $44 million to $1.9 billion. Have you seen anything in the bill that might save any money?

Mr. O'Neill. Quite frankly, I do not.

Mr. MOAKLEY. Thank you.

Mr. Frost?

Mr. FROST. No questions, Mr. Chairman.

Mr. MOAKLEY. Thank you very much.

I would like to inform the witnesses that the chairman did try to have this hearing held in tandem with Congressman Jack Brooks' committee so that we could save you additional testifying, but his busy schedule would not let him meet with us today.

So we have tried to save some money there, anyway. [Laughter.]

The next witness will be Mr. Welsh, Deputy Librarian, Library of Congress.

Mr. MOAKLEY. I notice we have "acting," "acting," and "deputy." [Laughter.]

Mr. WELSH. A large distinction, however. [Laughter.]

Mr. MOAKLEY. OK, Mr. Welsh.

STATEMENT OF WILLIAM J. WELSH, DEPUTY LIBRARIAN OF CONGRESS, ACCOMPANIED BY ADOREEN McCORMICK, LEGISLATIVE LIAISON

Mr. WELSH. I would like to introduce Adoreen McCormick, legislative liaison.

Mr. Chairman, I have reduced my written statement for the sake of brevity.

Mr. MOAKLEY. Would you like your complete statement to appear in the record?

Mr. WELSH. I would, indeed, sir.

Mr. MOAKLEY. Without objection, your statement will appear in the record.

Mr. WELSH. Mr. Chairman, and members of the subcommittee, the Library of Congress has followed the progress of the revision of title 44 for several reasons. I would, however, like to say at the outset that the Library of Congress has not taken a position on the structure or organizational place of the Government Printing Office, nor have we addressed any issues relating to the actual management of the Government Printing Office.

Our main concern has been to see legislation shaped that would provide a vehicle for the distribution of and ready access to materials produced at Government expense to the American people.

It has been our experience at the Library of Congress that U.S. Government publications are some of the most difficult publications to identify and acquire. Librarians and scholars have long directed their efforts to securing information produced at Government expense.

The ever-increasing magnitude of this information has made these various efforts only partially successful. The printing plants of Government agencies have proliferated. More than 10 years ago it became clear to us at the Library of Congress and to other librarians that much Government information was not being received through the depository library program.

Many valuable items were not being listed in the "Monthly Catalog of Government Publications." With the aid of the then Bureau of the Budget, a circular was issued in 1967 requesting that all agencies send to the Library of Congress four copies of materials being printed in agency printing plants. The information received was then transmitted to the Government Printing Office for possible inclusion in the monthly catalog, to make the availability of this material known.

Unfortunately, there has been no way to assure that all Government publications are being sent to the Library of Congress. The evidence suggests that our collections are still incomplete. H.R. 5424 addresses these issues in several sections of the bill.

First of all, section 302(6) provides that the National Publications Commission develop minimum bibliographic and indexing standards for Government publications after consultation with the Librarian of Congress. Bibliographic standards for Government publications have long been needed and only in recent years have the Library of Congress and the Government Printing Office given the attention this matter deserves.

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Section 306(6) will give added impetus to this project which will benefit librarians and the users of libraries throughout this country.

The broadening of the definition of Government publications under section 101(5) should assure that many publications heretofore unavailable or difficult to acquire will be available in depository libraries throughout the United States.

The Library of Congress is pleased with the attention given in chapter 7 of H.R. 5424 to the place of Government depository libraries in a national network of Government information. These libraries need to reach out and inform the public of their desire to serve so that these collections of Government documents will be better used.

The Library of Congress has several reservations about certain sections of the earlier legislation. Our main concern was with respect to cooperative publications. The 1962 Depository Library Act exempted from depository distribution cooperative publications and specifically the legislative history included those items distributed by the Library of Congress under authority of 2 U.S.C. 150, which requires that the Library recover cost plus 10 percent.

If the National Union Catalog and the other cooperative publications were distributed free to depository libraries, a subsidy of more than $4 million would have to be appropriated to the Library of Congress to continue production and publication.

H.R. 5424 as reported by the Committee on House Administration has exempted from depository distribution Government sales programs that are statutorily authorized.

In sum, Mr. Chairman, the Library of Congress' main concern in addition to the above, with amendments to title 44 has been to assure the ready availability of Government information to the American people mainly through the depository library program. When the Librarian of Congress testified at the hearings before the Committee on House Administration and the Senate Committee on Rules and Administration, he urged that the Government Printing Office place greater emphasis on marketing its publications. This would, of course, be possible under the current Government Printing Office or a restructured one.

We would be happy to answer any questions you have with respect to the library portions of this bill.

[Mr. Welsh's prepared statement follows:]

Prepared Statement of William J. Welsh,
Deputy Librarian of Congress

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Our main concern has been to see legislation shaped that would provide a vehicle for the distribution and ready access to materials produced at government expense to the American people.

It has been our experience at the Library of Congress that U. S. Government publications are some of the most difficult publications to identify and acquire. Librarians and scholars have long directed their efforts to securing information produced at government expense. The ever-increasing magnitude of this information has made these various efforts only partially successful. The printing plants of government agencies have proliferated. More than 10 years ago it became clear to us at the Library of Congress and to other librarians that much government information was not being received through the depository library program. Many valuable items were not being listed in the Monthly Catalog of Government Publications. With the aid of the then Bureau of the Budget, a circular was issued in 1967 requesting that all agencies send to the Library of Congress four copies of materials being printed in agency printing plants. The information received was then transmitted to the Government Printing Office for possible inclusion in the Monthly Catalog, to make the availability of this material known. Unfortunately, there has been no way to assure that all government publications are being sent to the Library of Congress. The evidence suggests that our collections are still incomplete. H.R. 5424 addresses these issues in several sections of the bill. First of all, Section 302(6) provides that the National Publications Commission develop minimum bibliographic and indexing standards for government publications after consultation with the Librarian of Congress. Bibliographic standards for government publications have long been needed and only in recent years have the Library of Congress and the Government Printing Office given the attention this matter deserves. Section 302(6) will give added impetus to this project which will benefit librarians and the users of libraries throughout this country.

The broadening of the definition of government publications under Section 101(5) should assure that many publications heretofore unavailable or difficult to acquire will be available in depository libraries throughout the United States.

The Library of Congress is pleased with the attention given in Chapter 7 of H.R. 5424 to the place of government depository libraries in a national network of government information. These libraries need to reach out and inform the public of their desire to serve so that these collections of government documents will be better used.

We must recognize the financial problems facing libraries today. Public, school, and State librarians all are troubled by the increased need to define their priorities. We need the information now more than ever, but the nation as a whole has not given our libraries the resources they need to serve the nation. Government depository collections should rank high in the priorities of the library system. Perhaps with the incentive of better federal support, such as proper indexing and bibliographic control and grants to these libraries, this could become a reality.

The Library of Congress had several reservations about certain sections of the earlier legislation. Our main concern was with respect to "cooperative publications." The 1962 depository library act exempted from depository distribution "cooperative publications" and specifically the legislative history included those items distributed by the Library of Congress under authority of 2 United States Code 150 which requires that the Library recover cost plus 10 percent. In cooperation with libraries throughout North America, the Library of Congress issues cooperative book catalogs listing its resources and those of reporting institutions. The major book catalog is the National Union Catalog describing the holdings of 1,000 libraries in North America. This working tool for reference and technical librarians serves as our national bibliography. The volumes are printed by the Government Printing Office and turned over to the Library of Congress for sale. The 1980 subscriber price for this set is $1,275 and there are 1,600 subscribers. Revenue generated from the sale of the National Union Catalog and other technical publications was $5,000,000 in 1979.

If this publication and the other cooperative publications were distributed free to depository libraries, a subsidy of more than $4 million would have to be appropriated to the Library of Congress to continue production and publication.

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In sum, the Library of Congress' main concern, in addition to the above, with amendments to Title 44 has been to assure the ready availability of government information to the American people mainly through the depository library program. When the Librarian of Congress testified at the hearings before the Committee on House Administration and the Senate Committee on Rules and Administration, he urged that the Government Printing Office place greater emphasis on marketing its publications. This would, of course, be possible under the current Government Printing Office or a restructured one.

We would be happy to answer any questions you have with respect to the library portions of this bill.

Mr. MOAKLEY. How does this bill specifically improve the Government depository collections?

Mr. WELSH. Hopefully, Mr. Chairman, it would insure that more Government publications would be available to depository libraries throughout this country.

As I indicated earlier, this has been the most difficult part of this program, to insure that libraries and users of libraries have ready access to Government documents.

I might add that we have worked very closely with GPO through the years. As a matter of fact, GPO has a branch in the Library of Congress and the effort that I have described earlier was begun in 1967, and has improved access so that I understand now that 90 percent of Government documents are included in the monthly catalog.

Mr. MOAKLEY. Can you tell me why it is so difficult to compile a list of all the Government publications, even the ones in the GPO?

Mr. WELSH. Because there are so many printing plants, so many definitions of what materials are available. It is difficult for us who serve the Congress to know, for example, what is published in printing plants throughout the country.

Mr. MOAKLEY. The people back home just cannot understand why you cannot give a complete list of all Government publications compiled somewhere.

Mr. WELSH. You appreciate better than everyone else that it is a very complex Government, and it is very difficult to be able to identify and then to acquire all the Government publications that are produced.

Mr. MOAKLEY. You say the Library of Congress has not taken a position on this bill?

Mr. WELSH. We have taken a position on certain aspects of the bill. I have specifically excluded the management of the Government Printing Office, and the question of its place in the legislative or executive branch.

Mr. MOAKLEY. I see.

Mr. Bauman?

Mr. BAUMAN. You say that in the area of the National Union Catalog activities in the Library that this legislation would in effect take away your revenues from the sale of that publication?

Mr. WELSH. Yes; the earlier version would have. It would have deprived us of the sale of revenues amounting to about $4 million,

and in order to recover that, the Congress would have to then appropriate that amount to us.

This bill changes that.

Mr. BAUMAN. Do you see any cost savings at all? That is an increased cost. Do you see any cost savings for the Library in its relationship to this legislation?

Mr. WELSH. No, sir, I do not.

Mr. BAUMAN. Are there any additional increases other than the one you mentioned?

Mr. WELSH. That certainly, affecting the Library of Congress, would be a major increase if it were in the bill. I do not see any others.

Mr. BAUMAN. Well, I was interested in the minority views from House Administation which discussed the genesis of the depository library program back in 1962, I guess it was.

Mr. WELSH. Yes.

Mr. BAUMAN. That there were extensive hearings held over a period of years before the system was devised.

And does not this legislation before us essentially repeal the entire act and replace it with a new system?

Mr. WELSH. Yes; it does. It augments it by inclusion, as was testified to earlier, of audiovisual materials and by machine-readable files.

I think a very straightforward answer is yes.

Mr. BAUMAN. But that is where the future of libraries in the world apparently lies. That is the greatest part of your future activities, probably, involving that kind of reproduction as opposed to print?

Mr. WELSH. Yes; I think the principal emphasis here and the principal intent of the Depository Act is to assure that Government publications are readily available throughout this great country of ours.

Mr. BAUMAN. My concern is that legislation, the major thrust of which is reorganization of the printing aspects of government, sort of in an offhanded way repeals a major statute concerned with the distribution in the libraries and casually says, "We will try it this way, based on almost no evidence on the record."

Is that a satisfactory arrangement to you as a Deputy Librarian of Congress?

Ms. MCCORMICK. As I understand it, Mr. Bauman, in the bill as reported by the committee, the depository library system would continue to exist and the same number of libraries would exist, the libraries designated by Members of the House, and by the Senators and the libraries designated by statute, such as your land grant colleges and military schools, and also the regional depository libraries and your accredited law schools.

Mr. BAUMAN. They would continue to exist, but the type of materials and quantities and the method of distribution would be changed appreciably, would it not?

Ms. MCCORMICK. The quantity of material, there would be greater materials available to the libraries that wanted to select this material. That is one of the issues that the Government document librarians throughout the country have been wanting, increased access to materials through the indexing, as provided for in this

act, and also through their regional depository library that would continue to exist.

Not that each depository library would ask for all this material.

Mr. BAUMAN. I am sure that if a librarian is like a politician, they are as inquisitive in relation to materials, as we are to votes. And they like to get as many things under their roofs as they can.

I noticed in the report that the testimony showed that the House committee, House Administration Committee, that there would be an unspecified, but apparently large, need for additional funds for personnel and equipment in the libraries themselves, and most of them would have to expand appreciably to take advantage of the system this bill would establish. Is that correct?

Ms. MCCORMICK. Yes.

Mr. BAUMAN. Where would the money come from for that? Do we not have a separate program funding the building?

Ms. MCCORMICK. The Libraries Services and Construction Act does fund public libraries and there are funds in the Higher Education Act, but not for construction purposes in the Higher Education Act funds.

There would be the authority in this act for certain funds for depository libraries.

Mr. BAUMAN. Do you have any idea what, from your analysis, the bill means when it says the new director of distribution will provide reference referral and support services for such libraries with respect to Government publications?

Mr. WELSH. In a general way, we would expect that there would be an expert staff that would know about the availability of publications. It would provide some subject access to the materials so that the materials could be identified and made available.

It is a typical library function.

The easiest part of a library operation is to acquire the material. The most difficult and most expensive part is to index and make its availability known to library users.

Mr. BAUMAN. The bill indicates that the support service might include training for various professional, mechanical, and electronic or other materials which assist the libraries in providing access. Training, is it?

Mr. WELSH. Yes.

Mr. BAUMAN. The Federal Government would start training librarians?

Mr. WELSH. In order to maximize the data that the Government is generating and use of electronic processing equipment would require some training.

In order to have a highly skilled staff, it would be desirable to do this. We spend a considerable amount of our resources at the Library of Congress training our staff in the acquisition of the materials and making and materials available to the Congress and to many of our users.

Mr. BAUMAN. I have served on Capitol Hill in various capacities for the better part of a quarter century, and I have never had a witness come before me from the Library of Congress, and I want to say publicly that I thank you for the services you have rendered to me and also for tolerating my presence as a page there in the

school that you house, as well as the presence of many thousands of our pages over the years.

I know that has been a problem, but the view is beautiful. [Laughter.]

Mr. WELSH. I appreciate that, and I appreciate the fact that you have provided this room for the setting with the Library of Congress in the background.

I have had the privilege of serving the Federal service for 39 years, 34 of them at the Library of Congress. I am very proud of that.

Mr. BAUMAN. I do not think I ever ran into you in the halls making noise, so——

Mr. WELSH. No; I was busy working.

Mr. MOAKLEY. Mr. Frost?

Mr. FROST. No questions.

Mr. MOAKLEY. Mr. Lott?

Mr. LOTT. No questions.

Mr. MOAKLEY. Let the record show that Congressman Frost and Congressman Lott are on the panel.

Thank you very much.

Mr. WELSH. Thank you very much, Mr. Chairman.

Mr. MOAKLEY. Our next witness, and final one, is Jacob Worner, chairman of the board, Printing Industries of America, Arlington, Va.

Mr. MOAKLEY. I understand you have a photographer here with you, and you would like to have some pictures taken this morning.

Mr. GRANT. If we could.

Mr. LOTT. Mr. Chairman, will they be taking pictures this way or that way. [Laughter.]

Mr. MOAKLEY. If it is his photographer, he is going to be taking it that way. [Laughter.]

Mr. WORNER. Mr. Chairman, I just found out something, right with that statement.

Mr. Moakley. You've got a good public relations man. [Laughter.]

You may proceed, Mr. Worner.

STATEMENT OF JACOB E. WORNER, CHAIRMAN OF THE BOARD, PRINTING INDUSTRIES OF AMERICA, ARLINGTON, VA., ACCOMPANIED BY LAWRENCE ZIMMERMAN, COUNSEL TO THE UNION EMPLOYER DIVISION, AND JOHN GRANT, DIRECTOR OF GOVERNMENT AFFAIRS

Mr. WORNER. My name is Jacob E. Worner, and I appear before you today in my capacity as chairman of the board of Printing Industries of America.

Accompanying me is Lawrence Zimmerman, counsel to our Union Employer Division, and a respected labor law attorney associated with the firm of Zimmerman & Obadal, and also John Grant, our director of government affairs.

The Printing Industries of America is our Nation's largest graphic arts trade association and represents nearly 10,000 printing companies engaged in every aspect of printing production. Collectively, the members of my association produce approximately 70 percent of all material printed in the United States. I also serve as president of the Printing Service Co. of Dayton, Ohio. My company

employs 175 people, and I am a union plant, and part of our sales are derived from Government printing contracts. When the Joint Committee on Printing in 1978 announced its intention to revise title 44 of the United States Code, I asked that one of my employees, thoroughly familiar with the printing program of the U.S. Government and who had served as head of the State printing program of Ohio, serve on the advisory committee to the Joint Committee on Printing.

He, along with staff members of the Printing Industries of America, attended all sessions of that group. We participated in a good-faith effort to modernize title 44.

We feel, however, that the resulting legislation does not reflect the consensus of the advisory committee. In addition, my predecessor as chairman of the board of our association presented our industry's testimony during the congressional hearings last summer. My associates and I are, consequently, very familiar with this legislation.

It is important to differentiate between the printing and production responsibilities of the GPO and its distribution responsibilities. The printing production capability of the Government Printing Office has been functioning well in recent years.

In addition, the program of utilizing commercial sources for the procurement of the Government's needs produced by commercial companies is nearly 70 percent of the Government's needs produced by commercial companies and of these, over 85 percent are small businesses.

Government printing is performed under contract in virtually every congressional district of this country. The program has been called the most successful small business procurement program in the Federal Government. H.R. 5424, supposedly modernizing the 85-year-old law, introduces procedures and policies which we believe will have a detrimental effect on the speed and economical production of Government printing.

It is our understanding that one of the jurisdictional bases of this committee's consideration is the proposed abolishment of the Joint Committee on Printing. As you know, the joint committee was created in 1846. Under the Printing Act of 1895, it was given substantial and very broad reaching authority to remedy neglect, delay, duplication, or waste in the Government's printing and distribution program.

In that regard, it has one of the broadest mandates of any congressional committee. Whether it should be abolished or not, we leave to the discretion and considered judgment of you and your colleagues. We would suggest, however, that before you terminate such a longstanding institution that you consider most seriously what is proposed to replace it.

Many view the presently constituted Joint Committee on Printing as a de facto Board of Directors for the Government Printing Office. Others have said that it is an out-moded anachronism which has outlived its usefulness.

To our recollection, only one witness in last year's hearings commented on the advisability of abolishing the Joint Committee on Printing. He, a former Public Printer, suggested that the com-

mittee meet in brief formal sessions quarterly, much the same as a board of directors functions in the private sector.

It was his view that such minimal demand on congressional time coupled with its broad authority under present law would enable the committee to function at its desired level.

For our part, we agree with Joint Committee on Printing members who find the duties prescribed by law, such as personally approving paper purchases, equipment acquisitions, and mediating wage disputes, to be onerous and unnecessary. Such duties could be delegated if the Congress so desired.

This brings us to a consideration of what has been proposed to replace the present structure, both within the Congress and the Government Printing Office. H.R. 5424 proposes to replace the duties of the Joint Committee on Printing with a commission to oversee the responsibilities spelled out in title 44. This may or may not be a workable procedure. It may result in replacing the present part-time Joint Committee on Printing with a largely part-time commission.

While it may seem salutary to involve commission members whose primary interest or background may bring new viewpoints to bear on operational problems, their adversarial interests may generate the possibility of continued bickering.

In the past, duties such as these have been regarded as one of the functions of Members of Congress, that is, to resolve differing viewpoints and apply judgment to the operation of public agencies.

Finally, although the Chairman of the Commission seems to be preeminent in having the overall responsibility for the agency, the structure proposed may enable those involved to disclaim responsibility or authority for agency performance. At least under the present structure, the Public Printer is held responsible for the actions of this agency.

If the Congress intends to replace the Government Printing Office with a new organization, we have asked that certain specific directions be written into the law that will guide the actions of this new agency. The GPO is not viewed as a competitor to our industry, but rather as a unique component of it.

We recognize that the speedy and efficient production of the Government's printing needs is the paramount consideration here. We know that the Government Printing Office provides a service to the Congress and to the Federal agencies which would be virtually impossible to duplicate considering normal economic constraints.

We view the present policy of the GPO producing congressional material, the Federal Register, and certain other agency material retained to maintain the needed work force, as essential.

We also recognize the Government's need to produce for itself certain national security items, currency, and quasicurrency. While we support these governmental actions just mentioned, we also support the actions of the GPO in contracting with private concerns for the remainder of the Government's needs.

It has become evident to us, however, that other groups, most notably leaders of our own industry's trade unions, do not agree with the present GPO policy of contracting with private printing companies. In congressional testimony, in the resolutions of their

governing bodies, and in their publications, they have sought to reduce the amount under contract or to restrict it in one manner or another.

We have asked the drafters of this legislation to provide that whenever a printing need arises, the Government should look first at the commercial sector for its production except for the restricted work already mentioned that the Government needs to keep in-house.

Unfortunately, our proposals have been characterized as an attempt to close down the GPO and have private interests assume its responsibilities—a characterization not supported by the facts.

The lack of such a clear statement of philosophical intent to the new agency coupled with very broad reaching authority encompassing labor-management relations renders this bill unacceptable to us.

In an attempt to change the present labor-management policies at the GPO, the committee has introduced a framework which is unique in the Federal Government and one which we believe is contrary to national policy and the efficient production of the Government's needs.

The bill removes many thousands of employees at GPO from the protection of the Civil Service Reform Act and places them, along with trade union employees, under the National Labor Relations Act. This is the first time that such extensive action has been taken by the Federal Government, and significantly, not by a congressional committee which has jurisdiction over those matters.

Unlike other Federal personnel laws, this legislation contains no prohibition against a negotiated union shop at the GPO. The legislation contains no prohibition that the ensuing collective-bargaining agreement will not force a prohibition of the Government contracting with nonunion companies that do not pay the same wages and fringe benefits at the GPO, that labor disputes involving GPO contractors will not be visited upon the GPO, and in fact, the legislation might permit the closing down of the GPO when the GPO employees, under their contract, respect a picket line informing them of the alleged unfairness of a GPO contractor in any area of the country.

For the first time, final wage-setting authority has been removed from both the GPO and the Congress, and given to an independent arbitrator specifically relieved of any duty to the taxpayer.

It has not been our intention to have our position on this legislation depend on what the bill would do or not do for employees at the Government Printing Office. On the contrary, in our comments submitted to the Joint Committee on Printing in 1978, we made little note of labor-management relations at the GPO, other than the suggestion that the Congress might consider some other wage-setting procedure than the Keiss Act in view of the disparity between GPO wages and those current in private industry.

More importantly, during our participation in the meetings of the ad hoc advisory committee and in our previous congressional testimony, we were, and continue to be, supportive of the work force at the GPO and advocated procedures which would protect their work from encroachment by the myriad of non-GPO agency printing shops.

If the managment at the GPO and the organized workers at the GPO wish to change their wage-setting procedures, we would normally view that as an internal question. In this instance, however, the procedure proposed may have a far-reaching effect on our industry and on the future conduct of Federal personnel policies.

We have attempted to confine our remarks to the Federal Government's printing program. There are many other issues contained in this legislation such as Federal information policy, the dissemination of Government publications and data, as well as the functioning of the Federal depository libraries, which do not directly involve the interests of the printing industry.

There is possibly no institution in this world nor any law passed by Congress that could not benefit in some way by modernization or revision. We believe that the printing production and procurement program of the GPO has served the Government and the taxpayer well in recent years.

We have supported efforts to modernize the GPO, and will continue to do so. Whatever the Congress decides to do, we ask that it not destroy a program and an institution that have served it well.

Thank you, Mr. Chairman.

Mr. MOAKLEY. Thank you, Mr. Worner.

In your testimony, you said something about accountability ioopholes. Could you go into detail on that a little bit?

I would just like you to describe more specifically the accountability loopholes that you refer to.

Mr. WORNER. You are talking about their not being responsible for their reactions?

Mr. MOAKLEY. Yes.

Mr. WORNER. It is my understanding the way it is proposed right now that that is not directed—it is not clear that they have that responsibility as it is written today, where the Public Printer does.

He does in fact have responsibility for the GPO.

Mr. MOAKLEY. Mr. Grant?

Mr. GRANT. Mr. Chairman, I think the point there is that our concern is that whenever you are dealing with a commission and an executive officer, and you also have a division in the proposed agency of a director of production and director of distribution, director of administration, very often problems can arise and those individuals can point the finger at the others, saying it was not really my fault, but "It was the commission, this one, or that one, or whatever."

Under the present system, you have an individual, the Public Printer, who is responsible and we think that that is pretty consistent.

Mr. MOAKLEY. You stated that the Government should first look to the commercial sector for production needs, except for restricted work. If the Government were to go to the commercial sector first, how would the employees of the GPO remain busy when Congress is in recess? Mr. Saylor indicated that there is off-season work to be done when GPO does not have peak loads to deal with.

Mr. WORNER. I do not think that we are referring to the fact they should look first there in all respects of their work. To run an efficient operation, they have to maintain their personnel operating. We are saying that once that is completed, they should look to

the commercial sector for the answers to their problems along those lines.

There is nothing in this legislation that specifies that that is so. It has been indicated that that is the intent of it, but there is nothing in there that actually says that it was going to happen.

So, if it were to go through the way it is now, 3 years from now, 3 years from now or 5 years from now, we could be sitting around with someone interpreting it entirely differently than what the intentions were that we are discussing now at the present day.

Mr. MOAKLEY. I do not know if you were in the room when Mr. Saylor testified this morning.

Mr. WORNER. No; I was not.

Mr. MOAKLEY. Correct me if I am wrong. Mr. Saylor testified that only 30 percent of the printing is done within GPO itself, and 70 percent is contracted out.

Mr. WORNER. That is correct.

Mr. MOAKLEY. That is your statement, too?

Mr. WORNER. Yes.

Mr. MOAKLEY. So you are not indicating that the 30 percent is too much for the GPO to handle?

Mr. WORNER. No.

Mr. MOAKLEY. OK.

Mr. WORNER. No, no, in no way. We have no argument with the system the way it is. We understand the need for that.

Mr. MOAKLEY. All right. I have no further questions.

Mr. Bauman?

Mr. BAUMAN. The bill itself says that private printing, the private printing industry, should be protected and used and the report, the majority report, constantly refers to that.

But before you arrived, I did have questions of Mr. Saylor about the labor provisions that would apply under this bill as opposed to the current labor provisions under the Civil Service Act.

How precisely—give me a description, and perhaps Mr. Zimmerman as your counsel would like to give us some description of how this comes about.

How would private printing companies be moved out of this? How would the costs increase, if indeed they would, by union printers replacing nonunion or more work being done in-house? How would this operate? Is it your industry that is going to be pushed out, or at leas' diminished considerably under this legislation?

Mr. WORNER. Mr. Chairman, I would like to have Mr. Zimmerman answer that question, because he is more thoroughly knowledgeable in this.

Mr. MOAKLEY. Would you state your name?

Mr. ZIMMERMAN. Lawrence Zimmerman of Zimmerman & Obadal, and counsel for the Union Employers Division of the Printing Industries of America.

Our concern is this: We do not question the intention to continue to permit subcontracting. However, we fear what has been given with the one hand has been taken away by the labor provisions for this reason.

The act imposes, the National Labor Relations Act and the Taft-Hartley Act, imposed on the Government Printing Office, the bill would provide that.

Under Taft-Hartley, the union has the absolute right to negotiate a total ban on subcontracting. The Supreme Court decision in the *National Woodworkers* case has held that a union has the right to negotiate, to preserve bargaining unit work, anything that can be done in the unit, it can insist be done in the unit.

A corollary of that is if it does not insist at the negotiating table on a total ban, it could insist that on what is called union standards clauses that in order to remove the economic incentive of sending out work that, if work is to be sent out, it can be sent out only to an employer who meets economic conditions obtaining at GPO, which are much higher than what occurs elsewhere in the country.

So the end result of this is that if a union has the right to negotiate subject to the Taft-Hartley Act requirements, it clearly has the right—notwithstanding other provisions in the bill—to insist that there be no subcontracting at all, or restrict subcontracting only in the event that the employer to whom the contract would be let is paying the same wages, a situation that almost is impossible to meet.

It is this conflict that creates the problem notwithstanding whatever intention there may be on the part of the authors of the bill.

Mr. BAUMAN. And the history of labor-management relations in the Government sector would indicate that this would be one of the prime objectives once such a law were passed.

Mr. ZIMMERMAN. I would fully believe it, yes, sir. We do not have a precedent in the Government sector. We certainly do know that in the private sector job security, additional job opportunities have become a primary concern, and there would be no reason to believe it would be any different in the Government sector if a union or group of unions in a particular agency had the same powers they would have in the private sector.

Mr. BAUMAN. Could you elaborate on Mr. Worner's statement about the GPO, the possibility of the GPO becoming involved in labor disputes with any of the printers contracted with across the country?

How would that affect the operation here in Washington?

Mr. ZIMMERMAN. What Mr. Worner is referring to there is this: Again, this is a particular situation created by the imposition of the National Labor Relations Act on a structure that otherwise people could understand, and which has worked rather well.

Federal employees are prohibited by law from striking. The common perception of the strike is simply a concerted withholding of services; generally, it is a dispute with their own employer, and that is a strike.

That is not the case, however, under the National Labor Relations Act where the Labor Board has drawn a distinction between a withholding of work by employees who have a dispute with their very own employer, which is a strike, and a so-called sympathy strike where a union has a dispute with somebody else, establishes a picket line, and the employees refuse to cross the picket line.

They are withholding their services, but not because of a dispute with their very own employer.

That is the background for the point I am about to make.

Now, let us take a situation which certainly could be very common, where GPO contracts out to an employer anywhere in the country, a private employer anywhere in the country, who becomes involved in a labor dispute with a printing union, and assume it is a unionized firm that may be having a dispute over contract negotiations, or anything else.

They are unable to perform, unable to perform efficiently as far as GPO is concerned. GPO under those circumstances might then want to take the work back in-house where it could be done by its employees or simply take it away from this particular firm over here, firm *x*, and send it to firm *y*.

When that happens, however, another doctrine under the National Labor Relations Act comes into play, the so-called ally doctrine, which says that even though the dispute may be with employer *x* over here, an employer who is helping him perform the work becomes an ally and the union can legitimately spread its picketing to that other employer.

This means, then, that if *x*, wherever he may be, is unable to perform and GPO takes it in-house, we are fearful that if the National Labor Relations Act were to apply, a picket line could be set up at GPO, and that in conjunction with what I had said earlier with respect to sympathy strikes could result in a failure to cross picket lines and a work stoppage.

Now, the question is, Is such a stoppage prohibited by the current prohibition against strikes?

Under present law, without competing law, it probably would be. Where you have in addition, however, to the prohibition against strikes, the application of the Taft-Hartley standards, you have a conflict where presumably the Board's view—a differentiation between a regular strike and a sympathy strike. That would take place, and there is where we fear work at GPO could be jeopardized.

Mr. BAUMAN. Mr. Chairman, I am not sure the country can stand it without the Congressional Record for a length of time. [Laughter.]

Mr. MOAKLEY. Especially after one of your great speeches. [Laughter.]

Mr. Frost?

Mr. FROST. I do not know if Bob is through.

Mr. BAUMAN. No, no. I think Mr. Zimmerman gave a very good response of what I was asking about.

Mr. FROST. I want to be sure I understand correctly what you are saying.

Are you saying that all references to the National Labor Relations Act should be stricken, and that the GPO employees should not be in any way under the National Labor Relations Act or, on the other hand, are you saying that it is all right to leave the National Labor Relations Act in this legislation so long as a number of specific prohibitions are added on top of that?

Which are you testifying to?

Mr. ZIMMERMAN. What I am saying is this: Currently, and under recent legislation, the employees at GPO have been covered by the Civil Service Reform Act.

Mr. FROST. Yes; I understand.

Mr. ZIMMERMAN. Which builds in the safeguards which would seem to be required.

Accordingly, we see absolutely no need, or any desirability to imposing the National Labor Relations Act on the GPO sector.

Mr. FROST. So you think that should be stricken from the bill?

Mr. ZIMMERMAN. Entirely, yes.

Mr. FROST. Thank you.

Mr. MOAKLEY. Mr. Lott?

Mr. LOTT. Just one question on that particular point. If it is not stricken, I think you stated, and it has to be accurate, that there would probably be substantially increased costs as a result of that situation, as against others in this legislation.

Mr. ZIMMERMAN. I would certainly believe so, sir, if for no other reason than on the one hand the bill provides that subcontracting is something that should be continued with efficiency, costs, and so forth, as a factor, and you have labor provisions in the bill that can take this away entirely, wholly apart from wage rates at GPO itself.

Mr. LOTT. Is this not contrary to what has been the normal precedent on similar legislation?

Mr. ZIMMERMAN. Totally contrary.

Mr. LOTT. Thank you, Mr. Chairman.

Mr. MOAKLEY. Mr. Worner, thank you very much for your testimony here this morning.

There being no further witness, the Subcommittee on Rules of the House will now adjourn.

[Whereupon, at 11:44 a.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

THE NATIONAL PUBLICATIONS ACT OF 1980

WEDNESDAY, MAY 21, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES OF THE HOUSE,
COMMITTEE ON RULES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 1:30 p.m., in room H-313, the Capitol, Hon. John Joseph Moakley (chairman of the subcommittee) presiding.

Present: Representatives Moakley, Frost, Bauman, Long, and Beilenson.

Mr. MOAKLEY. The Subcommittee on Rules of the House will now come to order.

OPENING STATEMENT OF HON. JOHN J. MOAKLEY, CHAIRMAN OF THE SUBCOMMITTEE ON RULES OF THE HOUSE

Mr. MOAKLEY. This afternoon, the subcommittee will complete its hearings on H.R. 5424, the National Publications Act of 1980.

I am planning to schedule a subcommittee meeting next week to take action on this bill. On the basis of the limited referral, the entire bill will not be open to amendment. Only two provisions are actually before us for markup. Section 10, which abolishes the joint committee and transfers its functions, is exclusively in our jurisdiction.

The proposed new section 307 of title 44 contains a committee veto of Federal printing regulations. It provides for rules to be directly submitted to the Committee on House Administration. Since it is not clear that all such rules would be referred there if submitted for reference in accordance with the Rules of the House, that section implicitly amends rule X.

I would expect the committee to entertain any germane modification of those provisions and any language to be added to the bill which is within our jurisdiction.

I would ask the members to review my determination on jurisdiction and I will keep an open mind if anyone feels that there are any other provisions we could properly act on. I would also appreciate it if members would submit amendments in writing in advance. The staff will be available to all members if you need any support in preparing amendments.

For time's sake, I would like to point out to the membership that we do have eight witnesses we would like to hear from today. Any questions which are not covered can be requested from witnesses in writing.

I would like to thank all of you for being with us today, and we are anxious to hear your testimony.

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At this time, I would like to recognize our first witness, Dr. Alice Rivlin.

Before you start, Doctor, I would like to thank you on behalf of the committee for coming here personally. I know how busy you are and we appreciate the fact that you have taken time out.

STATEMENT OF ALICE M. RIVLIN, DIRECTOR, CONGRESSIONAL BUDGET OFFICE, ACCOMPANIED BY KATHLEEN WEISS

Dr. RIVLIN. I have with me Kathleen Weiss of the budget analysis division, who did the work on the cost estimate that we are being asked to review today.

Mr. Chairman and members of the committee, I am pleased to appear before you today to testify on CBO's conclusions about the costs of H.R. 5424, the National Publications Act of 1980. My testimony will cover two topics. First, I would like to discuss the reasons why CBO was unable to estimate completely the costs or savings associated with H.R. 5424. Second, in response to a request from Congressman Bauman, I would like to compare the results of CBO's cost analysis with those made by other Federal agencies.

CBO COST ANALYSIS OF H.R. 5424

Pursuant to its responsibilities under section 403 of the Congressional Budget Act, CBO has prepared over 1,200 cost estimates for bills considered by the 96th Congress. Most of these analyses provided a specific cost estimate of the legislation for the use of the Congress. In a few instances, however, CBO is unable to make a specific cost estimate of a bill. The National Publications Act of 1980, as reported by the Committee on House Administration, was one of these exceptions. In preparing an analysis of H.R. 5424, CBO found that the cost or savings from a number of major provisions of the bill cannot now be estimated because of insufficient data or uncertainty about the way the law would be implemented by the responsible agency and about the probable response by users of the system. I would like to discuss some of these provisions and point out the major estimating uncertainties.

Section 502 would restructure the printing operations of the Government by requiring that all public printing services must be provided through a newly established National Publications Office. Upon request, the NPO would be authorized to permit contracting out if there were urgent needs that could not be met, or if use of a commercial printer would result in cost savings to the Government. The NPO could also permit agencies to print their own materials, if cost savings would be realized or national security requirements could be shown. Currently, only part of the Government's printing flows through the Government Printing Office. Many agencies operate their own printing plants, and make their own independent decisions about contracting with private printers.

The difficulty of estimating the potential budgetary impact of this change stems from both lack of data and uncertainties surrounding implementation. Because printing costs are not recorded separately, no one knows how much the Government now spends on printing. Estimates range from $1.2 billion to $2 billion, of which GPO handles about $650 million. Not only do we not know how much is spent, but we also do not know what types and

quantities of materials are printed, how much is printed by the agencies themselves, how much by private contractors, and how much is spent for each type of printing. Thus, there is no firm baseline against which to measure changes in the system. In the absence of a clear picture of how the current system functions and what it costs, there is no basis for projecting the changes that would occur under H.R. 5424. It is difficult to compare the marginal costs of additional printing by NPO with the cost of operating agency printing services or of contracting out with commercial printers. While a more coordinated printing operation aimed at using the most cost-efficient means for each printing task might result in cost savings, there is no basis for determining the potential savings or whether a more centralized system could be administered in such a way as to realize significant savings.

It also is difficult to estimate the budget impact of changes contained in chapter 7. That chapter would require the NPO to maintain a complete collection of Government publications (in cooperation with other Government agencies), to maintain a comprehensive cumulative index of Government publications, to prepare periodically and issue a catalog of Government publications, and to make available all such publications to depository libraries. Currently, the index compiled by the Superintendent of Documents includes approximately 60 percent of printed Government publications, and thus many documents are not readily available to depository libraries.

CBO estimates that expansion of the current document collection and indexing procedures to encompass all printed Government publications would cost about $0.5 million per year. However, additional costs are likely to be incurred for two reasons. First, with an expanded index and centralized distribution system, depository libraries might increase their requests substantially, possibly doubling the current $16 million cost of the depository library program in the short term. In the longer term, increased use of microfiche would reduce the added costs. The potential budget impact, however, is primarily dependent on the response of the libraries to the changed availability, a reaction that is difficult to predict with precision.

Second and even more difficult to assess is the impact of the changed definition of "Government publication" in section 101 of the bill. Under current law, a Government publication is defined as "informational matter which is published as an individual document at Government expense, or as required by law." H.R. 5424 would replace this very broad definition with a more specific one that would include, with certain exceptions, computer data files, microforms, and audiovisual material reproduced for official use of a Government entity. Under current practice, the present definition has generally been interpreted to include only printed materials, although it clearly could be interpreted more broadly to encompass all the items in the proposed new definition. Application of the new definition could substantially increase the cost of collecting, indexing, and distributing Government publications. There is, however, no comprehensive information available about the volume of publications that might qualify under the new definition, or the cost of collecting, reproducing, and distributing them. The

cost would depend on how broadly the language is interpreted, how it would be implemented, and how many publications would be requested by depository libraries. None of these factors can be easily predicted.

COMPARISON WITH GSA AND OMB ESTIMATES

Two other agencies have estimated the cost of part or all of H.R. 5424. The General Services Administration (GSA) has estimated that the "potential" cost for 1 year's distribution of Federal audiovisual products to depository libraries would be over $2 billion. This estimate, which was prepared for H.R. 4572, an earlier version of H.R. 5424, assumes that one copy of every film and multimedia title is provided to each of the 1,400 depository libraries. This estimate is clearly intended to be a maximum figure—and it applies to a provision that has since been amended and was reported in a significantly different form. While the original bill would have required the NPO to provide audiovisual materials to depository libraries on the same basis as other Government publications, H.R 5424, as reported, would require only that such materials be available on a temporary basis.

More recently, GSA has estimated that, including postage and handling, the distribution on a loan basis of 50 percent of all audiovisual titles available each year to half of the depository libraries would cost $1.9 billion per year. Correspondingly, GSA estimated that, if 1 percent of the libraries selected 1 percent of the available titles, the annual cost would be about $470,000. The likely cost of this program is very uncertain, and will depend to a large degree on the way it is administered by the NPO and on the response of the various depository libraries. While there is no clear basis for a definitive estimate, it seems unlikely that the cost would be anywhere near $2 billion.

The Office of Management and Budget also estimated the cost of the proposed new printing system, based on H.R. 4572, the earlier version of H.R. 5424. OMB stated that the cost of H.R. 4572 could be as high as $5 billion a year. CBO has not been able to obtain any detailed documentation of that estimate, but it appears to be based primarily on the revised definition of "Government publication." About $2 billion of this estimate apparently is attributable to the additional cost of distributing audiovisual materials to depository libraries. This corresponds to the GSA estimate I have already discussed. Another $2 billion appears to be related to the cost of producing machine-readable data files and other materials not previously distributed to depository libraries. Based on information from GPO, we expect this activity to cost much less. Assuming that the data files would be supplied to libraries through several service centers, and that only a limited number of data bases would be of interest to the general public, we have estimated total reproduction costs to be less than $100,000. While there is clearly some uncertainty surrounding this figure, and some additional administrative costs that would have to be added, an estimate of $2 billion for this purpose seems beyond the range of likely costs.

In sum, CBO has reviewed both the existing data and estimates prepared by other agencies. Because of the lack of information about current printing activities, and the many uncertainties about

implementation and user response under the proposed new legislation, CBO has concluded that there is no reasonable basis for estimating the costs or savings associated with this bill. I would further note that, regardless of the assumptions anyone might make about the likely demand for Government publications, the ultimate decision on how much will be spent will be made by the Congress through its regular authorization and appropriation process. This bill neither authorizes funds nor creates any mandatory Government expenditures. The extent, effectiveness, and cost of the activities governed by H.R. 5424 will therefore be determined, in the end, by the Congress itself.

Thank you, Mr. Chairman.

Mr. MOAKLEY. Thank you very much, Doctor.

Under the present system, do you think there is any way for the Government to get a handle on the total cost for all Government printing services?

Dr. RIVLIN. It would be possible to require reporting, but that would take a change in the present accounting structure. I do not see any reason why it could not be done, however.

Mr. MOAKLEY. It bothers me that there is such a wide variance between the estimates on what this reorganization would cost. We know that there really is not an accurate list of all the Government publications and where you can get them.

Dr. RIVLIN. That is right. Of course, it would cost something to get that, and then the question is, is it worth it?

Mr. MOAKLEY. Do you think the use of Government publications management helps to better coordinate and centralize the public printing service?

Dr. RIVLIN. I do not have a view on that, Mr. Chairman. We were asked to look at the costs of this bill. We are budgeteers and not experts on printing, and we have not gone into the merits of the bill.

Mr. MOAKLEY. So you just looked exclusively at the cost situation.

Dr. RIVLIN. That is right.

Mr. MOAKLEY. Congressman Beilenson?

Mr. BEILENSON. No questions, thank you.

Mr. MOAKLEY. Congressman Frost.

Mr. FROST. I do not fully understand why you cannot get an estimate on Government printing, you said, "Because printing costs are not maintained separately, nobody knows how much is spent on Government printing."

I accept that as true. I know for us as Members of Congress, the quarterly clerk's report lists everything that we spend money on, there is a note anytime we spend anything for printing. If someone wanted to go through, it would certainly be possible to find out how much Members of Congress spend on printing. I guess I do not understand why there is not a category in agency and departmental budgets as to printing and why you cannot figure out how much is spent on printing.

Dr. RIVLIN. I think ultimately you could. I do not know exactly what would be involved in doing that, but it is clearly not easy.

Ms. WEISS. Printing done by the agencies themselves is in an object class. But a lot of printing is done through contracting, and

this shows up in other budget categories, such as other services, within an agency's operating account. Here in the Congress you can go to the printing clerks and to the central people, and therefore you can get a good handle on what printing is being done. But in an agency some printing may be contracted out, some may be done in an agency printing plant, and some in GPO. It is thus difficult to gather all the cost data.

Mr. FROST. Are you suggesting it would take a tremendous amount of work to compile this, or is it possible to compile it if someone wanted to spend some time and figure it out?

Dr. RIVLIN. I do not know. I suspect that what it would take would be going through to determine what part of "printing" was contracted out. Then you would have to go through "contracts" and pull out those for printing. To do that for Government as a whole would be a substantial undertaking. If one wanted this information, it might be better to set up a way to do it next year; we then will find out what it costs for fiscal year 1982.

Mr. FROST. I know Government does unusual things, but it seems unusual to me that this cannot be determined.

Mr. MOAKLEY. Doctor, as you put it, you are only up here looking at cost, but after looking at the legislation as it refers to costs and I note your organization did not come down on one side or another, do you have any opinion as to whether the reorganization of the printing for the Government would be a good or bad thing?

Dr. RIVLIN. No, Mr. Chairman. For me to make a judgment on that, I would have to know a lot more about the current situation.

Mr. MOAKLEY. Actually, Mr. Bauman was the gentleman who requested your presence.

Dr. RIVLIN. He is the reason I am here.

Mr. MOAKLEY. I hope this does not say anything about your relationship, the fact that he is not here. He is down on the floor, but I did not think it would be fair to you and others waiting to testify to defer any longer. Thank you for coming. You may receive written questions from Congressman Bauman.

Dr. RIVLIN. We will be pleased to respond in any form, Mr. Chairman.

Mr. MOAKLEY. Thank you for your attendance.

Our next witness is Mr. Jim Tozzi, Assistant Director, Office of Regulatory and Information Policy, Office of Management and Budget.

STATEMENT OF JIM J. TOZZI, ASSISTANT DIRECTOR, OFFICE OF REGULATORY AND INFORMATION POLICY, OFFICE OF MANAGEMENT AND BUDGET

Mr. TOZZI. Thank you, Mr. Chairman, I appreciate this opportunity to address the committee. I have an extended statement and would like to summarize it.

Mr. MOAKLEY. Without objection your full statement will appear in the record. [See p. 55.]

Mr. TOZZI. Thank you, Mr. Chairman.

The bill before you addresses a necessary and laudable goal: Improving the dissemination and collection of Government information. However, the issue we think should be addressed is whether this bill achieves that very laudable end in an appropriate

manner. Most certainly, the Government needs comprehensive policies which address the collection and dissemination of data. However, it is our opinion that this bill falls very short of that goal for the reasons I would like to enumerate to the committee.

My comments are based on our review of this bill, the comments we receive from the agencies and on our direct participation on the ad hoc advisory committee that was established to review this issue. This effort was quite important because it served to highlight many of the complex issues in this area.

We feel this ad hoc advisory committee and what came out of it has provided valuable input into many of the actions we have under consideration within the executive branch to address this problem.

The advisory committee submitted its final report in May 1979. Some time thereafter, H.R. 4572 was introduced to revise title 44.

In August 1979 we provided comments which set forth a number of problems with that bill.

H.R. 4572 was revised and introduced as the National Publications Act of 1980. We have reviewed this bill, and while we think it has some merits, we do not think it will provide the responsive and efficient system needed for managing the Government's printing and distribution needs.

First, however, the committee has asked Dr. Rivlin and others what the impact of this bill will be on the budget. I agree with the statement made by Dr. Rivlin that this is somewhat difficult to estimate.

However, whatever the estimate is, it is hard to argue that it may not cost more. When I say "cost more" I mean more than it is costing now.

I will return to the cost issue later. In the meantime, I would like to discuss a number of principles that should be taken into consideration in revising title 44.

First of all, the NPO as established under this act, is based on the assumption that there are large economies of scale by centralizing printing. In any economic operation, whether it be in the public or private sector, at some point in time there are economies of scales which do exist.

However, we also think there is a good chance for very substantial diseconomies of scale. This means that certain organizations get so large, and so many demands are put on them that diseconomies of scale might occur which dwarf the economies of scale. These diseconomies will be accentuated by the monopolistic nature of the NPO. Having one organization to provide printing will decrease competition for printing services and discourage efficient operations.

Another important issue is that printing is a means to an end. While we are very concerned about costs in this area, we are equally concerned that agencies be provided with timely information as needed to discharge their roles.

As we look across the Federal Government, it is obvious the Federal Government has a large role in the information area. Today, many of our roles are information related. We are rapidly becoming an information society, and the role of the Federal Government is substantial in that area.

However, we think that printing and related information policies should be developed within the context of the roles and respective missions of the agencies.

Finally, we do not advocate that the agencies—any agency—should have total autonomy, without guidance or dictation.

However, there is a very substantial difference in our opinion between providing greater central policy guidance and central control.

We believe these principles should serve as the foundation of a new system for managing Federal printing and distribution resources. Unfortunately, H.R. 5424 does not incorporate these principles. Rather, it will establish the National Publications Office to regulate Federal printing and distribution resources and to serve, with only a few exceptions, as a sole source of printing and distribution services.

Recent hearings before the Rules Committee addressed the legislative veto proposed by H.R. 5424. We believe that such a veto is counterproductive to the effective operation of Government. We believe such controls would be an invasion of the executive branch prerogatives.

We also note that when the GPO was established and title 44 was written, legislative printing requirements represented a large percentage of Federal printing. That is no longer true. Today, the majority of Federal printing resources are managed by the executive branch. For that reason, we agree with the GAO that policy and management responsibility for these resources should reside in the executive branch.

I would like to address the issue of how much the Federal Government spends on printing. We know how much we spend in-house for direct printing. A more difficult question is how to identify printing costs which are buried in program costs. For example, many contracts require a final report. While money has obviously been spent to print that report, it is impossible to separate one printing cost from another cost. It could be done, but it would be a very expensive and very burdensome effort. We don't think it would be worth it.

Our final concern is with the possible cost of implementing H.R. 5424. Previously we had estimated that the cost of implementing H.R. 4572 could be as high as $5 billion annually.

While the cost of H.R. 5424 may be somewhat lower than its predecessor, we continue to believe it will be significant. Some of the agency reports on H.R. 5424 have tried to estimate the costs of compliance.

One of the most direct costs has been that of GSA; that is one of their main concerns and that of many others.

Mr. MOAKLEY. We have 5 minutes for this rollcall. The committee will stand in recess until this vote is completed. Will you hold yourselves ready?

Mr. TOZZI. Yes.

[A short recess was taken to vote.]

Mr. MOAKLEY. The subcommittee will continue.

Mr. Tozzi.

Mr. TOZZI. Thank you, Mr. Chairman.

I was about to describe the actions the executive branch is taking to be more responsive to the issues that a number of congressional committees have raised in this area. I would also like to indicate that the most effective way to address the problem is through managerial processes rather than reorganization.

We have begun to develop policies which will address many of the issues of concern to the drafters and supporters of H.R. 5424. For example, I would like to place in the record a draft policy we have been working on entitled "Improved Management and Dissemination of Federal Information." This policy, which we hope to distribute shortly for public comment, is an initial effort to develop a comprehensive policy regarding Federal information management and dissemination. The policy will, among other things, remind agencies of their responsibility to comply with the provisions of title 44—especially those pertaining to the depository library program. We intend to develop and issue other information management policies, of which printing and distribution are a large part.

I can assure you that OMB will be paying increasing attention to this important area in the future. OMB interest in these issues has now been institutionalized by the establishment of the Office of Regulatory and Information Policy. This office, which I head, has three major objectives: Improve the Federal regulatory process; reduce the burden imposed on the public by Federal information requirements; and oversee and establish Federal information policies. While we intend to place equal importance on all three areas, Federal information policy is the area I would like to discuss today.

Traditionally, the Federal Government has developed information policies on a fragmented basis. However, we have now recognized that the development and implementation of coherent and effective policies requires a coordinated approach. The recent organizational changes within OMB will facilitate our accomplishment of that goal.

There are a number of objectives which we are currently pursuing in the area of information policy. They include, but are not limited to:

Improving the management and use of information by Federal agencies.

Insuring effective and efficient mechanisms for disseminating Government information.

Enhancing the ability of Federal agencies to use and manage information technology—computers and communications—and thereby improve the delivery of services.

Insuring an adequate level of protection for personal, proprietary, and classified data held by Federal agencies.

Protecting U.S. interest in the international marketplace through a strong information industry.

Insuring that the Federal Government does not unnecessarily compete with the private sector in the delivery of information goods and services.

As you will note, a number of these objectives encompass issues involving the printing and distribution of information. To achieve these objectives, we must have the authority to develop such policies as are needed, including those pertaining to printing and dis-

tribution. Unfortunately, H.R. 5424 would remove this policy responsibility from the executive branch and place it in an independent establishment within the legislative branch. Should that happen, it is unlikely that we will be able to carry out our responsibilities effectively.

One final note. The Congress is now considering the Paperwork Reduction Act of 1980—H.R. 6410. It has passed the House and is now pending before the Senate. We have actively supported the objectives of this bill and hope that congressional action on it will be completed shortly. The Paperwork Reduction Act of 1980 is important because it will strengthen the ability of OMB to develop and implement effective policies in the area of information policy. This bill will give us the tools to improve the management of information by Federal agencies. In particular, it will make OMB responsible for overall direction of the Government's information policies, standards, and guidelines.

While that is a big responsibility, it is a necessary one that we are willing and ready to accept. I would ask that the Congress not undercut the Paperwork Reduction Act by placing policy responsibility for executive branch printing and distribution resources in another body. I would now be glad to answer questions. Thank you.

Mr. MOAKLEY. Without objection, your entire statement will be inserted in the record.

[Mr. Tozzi's prepared statement follows:]

Prepared Statement of

JIM J. TOZZI,

Assistant Director for Regulatory

and Information Policy

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you to discuss the National Publications Act of 1980 (H.R. 5424). In 1895 Title 44 of the United States Code was enacted to provide for the effective and efficient printing and distribution of government publications. This law has served the Nation well for 85 years and has resulted in a system for the printing and distribution of government documents which has many strengths. Chief among these is the Government Printing Office.

Since its establishment, the GPO has effectively met many of the printing needs of the Federal Government. The GPO has also helped make government documents available to the public through the depository library program and the Superintendent of Document's Sales program. We recognize and applaud these accomplishments. Nevertheless, it is now time to ask whether the system established in 1895 is adequate to meet the Federal Government's needs in 1980 and beyond. In 1978, the then Chairman of the Joint Committee on Printing, Senator Claiborne Pell, established the Ad Hoc Advisory Committee on Revision of Title 44 to the Joint Committee on Printing. This Committee was tasked to identify issues which should be considered in revising Title 44. The Office of Management and Budget had the pleasure of participating in this valuable and educational endeavor. This effort was important because it served to highlight many of the complex issues involved in the printing and distribution of government information. We would like to publicly thank Senator Pell and Representative Thompson, current chairman of the JCP, for their initiative in establishing this Committee.

The Advisory Committee submitted its final report in May 1979. Some time thereafter the "Public Printing Reorganization

Act of 1979" (H.R. 4572, S. 1436) was introduced to revise Title 44. In August 1979 we provided comments which indicated that there were a number of problems which precluded our supporting the bill as drafted. Subsequently, H.R. 4572 was revised and reintroduced as the "National Publication Act of 1980" (H.R. 5424). We have reviewed H.R. 5424, as amended. While there is some merit in this bill, we do not believe that it will provide the responsive and efficient system needed for managing the government's printing and distribution needs.

Our comments on H.R. 4572 identified a number of principles which should be incorporated into any revision to Title 44. These principles are not included in H.R. 5424. For this reason, we are opposed to the enactment of this legislation. Let me discuss the major principles and why they are important.

First, as you are aware, one of our highest priorities is to reduce the size of the Federal budget. One way to accomplish this goal is to place increased reliance upon the laws of supply and demand to ensure the appropriate and efficient allocation of resources. We believe this principle can and should be applied to the management of Federal printing and distribution resources. In particular, we are no longer convinced that the economies of scale which once justified the GPO as an exclusive source of printing for the Federal Government still exist. Today, the majority of executive branch printing received by GPO is contracted out. While we support this reliance on the private sector, the requirement that this work be funneled through GPO sometimes results in delays, lower quality products, and higher costs to the agency.

A related concern is that GPO's status as a monopoly establishes no incentives for it to maximize the efficiency of its operations. Greater reliance on a competitive system would provide economic and other incentives for more efficient operations. Unfortunately, HR 5424 will perpetuate - in fact strengthen - in the 1980's the monopolistic environment of the 1890's. We share the concern of the Acting Public Printer

that this bill could, in the long-term, result in increased costs to the agencies without offsetting benefits.

Second, we must recognize that the printing and distribution of information is essential to the accomplishment of agency missions. Most agencies, for example, operate under one or more statutes which require them to disseminate information about their programs. We can hold agency heads accountable for the success of these activities only if they have the responsibility and flexibility to manage printing and distribution resources in a manner consistent with other programmatic responsibilities. As this responsibility is limited, accountability will diminish. Unfortunately, H.R. 5424 places the responsibility for developing and implementing policies and programs pertaining to Federal printing and distribution services in the National Publications Commission - and not in the program agencies where it belongs. The General Accounting Office, in its testimony on H.R. 4572, criticized the current system for failing to provide executive agencies sufficient flexibility to exercise their own expertise. We believe that flaw remains in the "National Publications Act of 1980."

Third, and finally, I would like to make it clear that we are not advocating total agency autonomy, without guidelines or direction. To the contrary, we recognize and support the need for greater central guidance and coordination to improve the management of executive branch printing and distribution resources. However, there is a difference between providing greater central policy guidance and the development of a regulatory structure for control. In our initiatives to improve the Federal regulatory process we have concluded that over-regulation of the public sector can frequently be as counterproductive as over regulation of the private sector. A good example is the Federal procurement system. Over the years, a cumbersome and burdensome body of procurement regulations has been developed. Although each regulation was issued in the interest of economy and efficiency, the result has been a body of regulations which

sometimes inhibits the very objectives it is meant to accomplish. We are now trying to streamline and simplify that regulatory system. We should avoid the same mistake in managing Federal printing and distribution resources.

We believe these principles should serve as the foundation of a new system for managing Federal printing and distribution resources. Unfortunately, H.R. 5424 does not incorporate these principles. Rather, it will establish the National Publications Office to regulate Federal printing and distribution resources and to serve, with only a few exceptions, as a sole source of printing and distribution services.

One aspect of the National Publications Act, and one in which you are interested, is that it will abolish the Joint Committee on Printing. We do not believe it is appropriate for the executive branch to advise the legislative branch on how to organize itself. However, we agree with the GAO, in its testimony on H.R. 4572, that the existence of the JCP does not conform to normal government practices regarding separation of powers. Nor does it conform to prudent business practices from the standpoint of management and controls. The question then becomes whether H.R. 5424 offers a better alternative. We believe it does not.

The National Publications Act would abolish the JCP and the GPO and replace them with the National Publications Office, headed by the National Publications Commission. Currently the JCP, due to the nature of its responsibilities, is involved in the planning, the operation, the review and the enforcing of printing and distribution policies and programs. This is contrary to the separation of responsibilities normally expected in a prudent management structure. However, rather than providing this separation, H.R. 5424 will consolidate all of these functions in a single organization. An appropriate analogy would be to appoint the Chief Executive Officer of AT&T as the Chairman of the Federal Communications Commission.

Of more concern to us is that H.R. 5424 will create a legislative entity to regulate executive branch resources. We

believe that is inappropriate. In particular, we agree with President Woodrow Wilson who vetoed a similar bill regarding printing in 1920 "as an invasion of the province of the Executive and calculated to result in unwarranted interferences in the process of good government." As his veto message stated." The Congress and the Executive should function within their respective spheres. Otherwise efficient and responsible management will be impossible and progress impeded by wasteful forces of disorganization and obstruction. The Congress has the power and the right to grant or deny an appropriation, or to enact or refuse to enact a law; but once an appropriation is made, or a law is passed, the appropriation should be administered or the law executed by the executive branch of the government. In no other way can the government be efficiently managed and responsibility definitely fixed." We believe that statement holds true today.

In addition, we note that when the GPO and Title 44 were written, legislative printing requirements represented a large percentage of Federal printing. That is no longer true. Today, the majority of Federal printing resources are managed by the executive branch. For that reason, we agree with the GAO that policy and management responsibility for these resources should reside in the executive branch.

Beyond that, H.R. 5424 provides almost no criteria or guidance on how the Commission should carry out its responsibilities. In addition, there are only limited checks on Commission activities. As a result, it appears that the Commission would have virtually unlimited discretion in how it implements the law.

The primary legislative control appears to be the authority of the House Administration and Senate Rules Committees to veto Commission regulations within 10 days of their submission for review. While we question whether such veto power is an effective tool for oversight, a more important issue is whether it is Constitutional. The Department of Justice, in their report to Congressman Brooks on H.R. 5424, has advised that it is not.

It should also be pointed out that once the President nominates the members of the National Publications Commission, H.R. 5424 provides the executive branch with no controls over the actions of the Commission. Given this degree of latitude, we fail to see how the Commission can be or will be responsive to executive branch needs.

Our final concern is with the possible cost of implementing H.R. 5424. Previously we had estimated that the cost of implementing H.R. 4572 could be as high as $5 billion annually. I must emphasize the phrase "could be," because exact estimates are impossible to derive. The difficulty is that the cost will depend upon how the Commission intends to implement H.R. 5424. This point was emphasized by the Congressional Budget Office in its letter of March 4, 1980 to Representative Thompson.

While the cost of H.R. 5424 may be somewhat lower than its predecessor, we continue to believe it will be significant. Some of the agency reports on H.R. 5424 have tried to estimate the costs of compliance. However, as you will note in reviewing these reports, the esti- tes are a function of the assumptions used. The General Services Administration, for example, has conservatively estimated that the cost of an audio-visual loan program for depository libraries could run as much as $2 billion annually. Whatever the costs however, we must ask ourselves whether any additional expenditures are justified at a time when the Congress and the President are seeking ways to reduce the Federal budget.

So far my comments have focused on structural changes in our current system for managing Federal printing and distribution resources. While we believe that some structural changes might be advantageous, we also believe that significant improvements in the management of these resources are possible without such changes.

We recognize that one of the driving factors behind the effort to revise Title 44 was a concern that the executive branch was not paying adequate attention to the management of printing and distribution resources. While that may have

been true in the past, I can assure you that it is no longer so.

First, our willingness to spend an enormous amount of staff time participating on the Ad Hoc Advisory Committee indicates the importance we place on these issues.

Second, and more importantly, we have begun to develop policies which will address many of the issues of concern to the drafters and supporters of H.R. 5424. For example, I would like to place in the record a draft policy we have been working on entitled "Improved Management and Dissemination of Federal Information." This policy, which we hope to distribute shortly for public comment, is an initial effort to develop a comprehensive policy regarding Federal information management and dissemination. The policy will, among other things, remind agencies of their responsibility to comply with the provisions of Title 44 - especially those pertaining to the depository library program. We intend to develop and issue other information management policies, of which printing and distribution are a large part.

I can assure you that OMB will be paying increasing attention to this important area in the future. OMB interest in these issues has now been institutionalized by the establishment of the Office of Regulatory and Information Policy. This Office, which I head, has three major objectives: improve the Federal regulatory process; reduce the burden imposed on the public by Federal information requirements; and oversee and establish Federal information policies. While we intend to place equal importance on all three areas, Federal information policy is the area I would like discuss today.

Traditionally, the Federal Government has developed information policies on a fragmented basis. However, we have now recognized that the development and implementation of coherent and effective policies requires a coordinated approach. The recent organizational changes within OMB will facilitate our accomplishment of that goal.

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There are a number of objectives which we are currently pursuing in the area of information policy. These include, but are not limited to:

- Improving the management and use of information by Federal agencies.
- Ensuring effective and efficient mechanisms for disseminating government information.
- Enhancing the ability of Federal agencies to use and manage information technology - computers and communications - and thereby improve the delivery of services.
- Ensuring an adequate level of protection for personal, proprietary and classified data held by Federal agencies.
- Protecting United States interest in the international marketplace through a strong information industry.
- Ensuring that the Federal Government does not unnecessarily complete with the private sector in the delivery of information goods and services.

As you will note, a number of these objectives encompass issues involving the printing and distribution of information. To achieve these objectives, we must have the authority to develop such policies as are needed, including those pertaining to printing and distribution. Unfortunately, H.R. 5424 would remove this policy responsibility from the executive branch and place it in an independent establishment within the legislative branch. Should that happen, it is unlikely that we will be able to carry out our responsibilities effectively.

One final note. The Congress is now considering the "Paperwork Reduction Act of 1980" (H.R. 6410). It has passed the House and is now pending before the Senate. We have actively supported the objectives of this bill and hope that congressional action on it will be completed shortly. The "Paperwork Reduction Act of 1980" is important because it will strengthen the ability of OMB to develop and implement effective policies in the area of information policy. This

bill will give us the tools to improve the management of information by Federal agencies. In particular, it will make OMB responsible for overall direction of the Government's information policies, standards and guidelines. While that is a big responsibility, it is a necessary one that we are willing and ready to accept. I would ask that the Congress not undercut the "Paperwork Reduction Act" by placing policy responsibility for executive branch printing and distribution resources in another body. I would now be glad to answer questions. Thank you.

Mr. MOAKLEY. Thank you very much, Mr. Tozzi.

In your prepared statement you say:

> While we support this reliance on the private sector, the requirement that this work be funneled through GPO sometimes results in delays, lower quality products, and higher costs to the agency.

What is your assessment of the agency's track record dealing with private-sector companies?

Mr. TOZZI. The assessment varies from agency to agency. In many cases the compliance is quite good. We do have in some cases abuses or problems comparable to that which I stated.

Mr. MOAKLEY. Mr. Frost.

Mr. FROST. No questions.

Mr. MOAKLEY. Mr. Bauman.

Mr. BAUMAN. Mr. Chairman, I looked through Mr. Tozzi's statement, and the only reference I see to cost appears on page 6, in which he says that the previous OMB estimate of $5 billion could be correct, in so many words, but the exact estimates are impossible to derive. In a letter that was sent to Chairman Thompson on August 17, 1979, from Mr. Wayne Granquist of his agency, he estimated the $5 billion figure; and that has been used since.

Is that still pretty generally in the ball park, as far as you can tell, with the many variables involved?

Mr. TOZZI. No, sir; there have been some changes between the first bill that we commented on and this one.

It would be very difficult to give a precise estimate of how much the bill will cost. However, we can estimate some of the probable cost elements.

A major element would be those activities that GSA has addressed. For example, the availability of audiovisual and related materials to libraries. The estimates range in the area of $1.5 billion to $2 billion, most recently $1.9 billion.

That most certainly could be the cost. On the other hand, the cost is dependent on how much information the libraries take and in what media. Nevertheless, if you take the GSA cost estimate, plus the cost the Department of Commerce and other agencies have

estimated, it is conceivable that the annual cost of H.R. 5424 could easily be in the area of $2 billion.

I must emphasize, however, that the cost of this bill will depend on how this new office would act; how many rules and regulations they would issue regarding mandatory dissemination and related activities. The cost conceivably could be less.

Mr. MOAKLEY. Would the gentleman yield?

Mr. BAUMAN. Sure.

Mr. MOAKLEY. In your statement you said something to the effect, and I may not have caught it directly, that the estimates aren't necessarily out of line, that you can reach the higher estimates of these proposals?

Mr. TOZZI. Yes.

Mr. MOAKLEY. Meaning that the Congress can just delegate money to buy all of the things that are requested?

Mr. TOZZI. Yes; you understood quite correctly. As in most pieces of legislation, a lot of activities would be authorized under this bill. As a result groups could petition the appropriation committees or the executive branch to fund these at some level. Certainly the pressures will exist to fund the bill at maximum level. The result could be as high as $5 billion. There is also a hidden cost here that we have not addressed. It is the cost to State and local governments which will occur as a result of front and Federal financing. Our estimates do not show the cost to the State and local governments for libraries.

For example, as we provide more information to the libraries there is a question of whether they have sufficient resources of their own to process it, to put it on the shelves, and make it available for the public. Those nonbudgeted costs are something that I am not sure anyone has tried to estimate. They depend, obviously, on the degree of service that the recipient of this information, such as a library is going to provide to their constituents. These costs could raise the estimates even more.

Mr. MOAKLEY. The more efficient the dissemination of that information on the local level, the more expensive the Federal Government's cost would be?

Mr. TOZZI. I would say, to the extent that we provide more information, the non-Federal cost would probably increase, since you would be processing or disseminating more data, the macrocosts would probably increase.

Mr. BAUMAN. The bill envisions in one part Federal aid for just the kind of local services that you describe. This bill depends on authorization for Federal funds to be spent for library training, facilities, distribution, and so on. All that is now being paid by local governments or State governments or whatever entities, and so you might very well, from the remarks you just made, conclude that there will be a demand from the local entities for greater Federal spending, to allow them to expand their services, and thereby that will cost more, but that is just an aside comment.

The question I want to ask——

Mr. TOZZI. Every probability of that could occur. It is right on the mark.

Mr. BAUMAN. The other thing I just wanted to nail down, is that in previous correspondence with Mr. Thompson and then with Mr.

Dickinson on the House Administration Committee, there was no question that the OMB was opposed to the earlier first draft and to the later bill. Is that still the position of OMB that they are opposed to it?

Mr. TOZZI. Let me state on the record that the Office of Management and Budget is opposed to the enactment of H.R. 5424 in total or in part.

Mr. BAUMAN. And with regards to the letter to which I referred, your statement was that the revised bill would probably result in significantly greater costs, do you still stand by that?

Mr. TOZZI. Yes. I also agree with Dr. Rivlin that the precise estimate of that cost could vary.

Mr. BAUMAN. Thank you. I think it is nice that the CBO and the OMB are able to agree. I want to apologize to Ms. Rivlin in absentia.

Mr. MOAKLEY. The committee will now hear from Congressman Bill Frenzel. Bill.

STATEMENT OF HON. BILL FRENZEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRENZEL. Thank you, Mr. Chairman. I am delighted that you are hearing H.R. 5424 in subcommittee, because in my judgment it was presented to the Rules Committee in a very incomplete form.

In the Committee on House Administration, we did have a couple of days of hearing and a couple of days of markup, but if you have taken a look at the bill, you will realize that it is a very complicated bill. In my judgment there were many questions that were never answered about the bill, one of which you just were discussing, and that is, what does it cost to pass this bill?

Nobody knows, and in my judgment that ought to be the first and most important red flag; and until we know, the bill should never be passed.

Basically, in our committee there was no objection to reorganizing the GPO.

I think we all saw that need, and most of us have a fairly clear understanding of the reorganization sections within this bill.

Two areas gave us lots of trouble. One was the labor section. None of us are labor experts, and we saw no reason to change the labor agreements, labor laws, whatever they are, in existence at the GPO, at least without not knowing what we were doing to make the changes.

Nobody ever could testify before us as to what those changes were and why the rewriting occurred.

We were simply assured by the drafters, who happened to be the staff, that they were all right and not to worry.

An even more perplexing part of the bill is that part that deals with the distribution of all these Government documents.

Right now, as far as I know, most libraries are satisfied with the distribution program, and particularly those that exercise some discrimination, check of the documents that they want and receive them.

However, under this bill it looks to me as though we are mandated to save everything in the world collected into some grandiose distribution system and have it instantly available at all times,

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even though nobody wants it. I am not quite sure of who we are going to mail it to, and how each department of Government is going to have to fit into this grand scheme. Clearly, the distribution scheme was written by somebody who had never distributed anything, nor had ever been on the other end of the line and understood that the world does not want every silly document that the Government processes or prints.

Much of the stuff that we create up here is rubbish and does not belong in the information stream, except that it ought to be held a place or two, I guess, for scholars of inanities and trivia, and there should be some availability. But for heaven sake, we do not want to blast it out to every depository library in the system. Most of the stuff that the committees print up here is printed for reasons other than legislative or academic.

We do a great deal of political publicizing up here, and I see no reason to blast that stuff around except for scholars of political science, perhaps. Anyway, there is no limit to this distribution function under this bill, and that is where the Congressional Budget Office and that is where OMB has a real problem with this bill, and that is where, I think, the bulk of it on the House Administration came apart.

Let me just make a final statement, and that is, that I had the feeling during the time we were hearing this bill in committee that I had no idea what was in this bill. I could not get a handle on it, and that is very distressing to me, because I spent a lot of time on that committee and worked hard on it. The explanations were incomplete, and nobody else on the committee had a very good idea of how this bill was going to operate. If you come down to the proponents of the bill, you will find that they consist of some libraries out in the hinterlands who think they can get a little better deal out of this.

You will find that it is the staff who drew the bill who in my judgment are the only ones who have a real idea of what is in fact in this bill. And then, I believe, also the labor unions who serve the Government Printing Office like it, because they believe they have a better deal under this bill than they do under their current arrangement. I don't know if they do or not, and I don't really know who does know, but they are convinced, at any rate.

That is a very thin constituency for this kind of bill. If I had a suggestion, it would be that GPO needs reorganization, and you might pluck out a section or two of this bill and pass it, if you think the reorganization is worth while. In my judgment, that is the necessary part of the bill. The rest of it is stuff that we have not really looked at carefully, that does not have a broad constituency and is in need of far greater congressional study.

I thank you for the opportunity of testifying.

Mr. MOAKLEY. Bill, how long has this theory been around, reorganizing the GPO?

Mr. FRENZEL. Well, I really don't know, Mr. Chairman, because I don't serve on this Joint Committee on Printing, but it has been around for several years, and in my judgment it is a good idea.

That place has not been reorganized in a while, and I like OMB's brave statements of how they are going to reorganize by directive,

but we have all seen OMB reorganize by directive over the years, and I think very little has been done.

I think the GPO is in need of genuine reorganization, particularly as it moves from its present inadequate quarters into its new Taj Mahal, which will occur in a couple of years, Appropriations willing, and it needs the space. I would like to see some kind of reorganization bill in place that would assure us that there were some kind of modern organization in there, and that is the best part of this bill.

Mr. MOAKLEY. You don't feel this is the vehicle?

Mr. FRENZEL. It is too big, too complex. I would be delighted to have one of your committee members tell me he knew exactly what was in that bill. If he did, he would be unique in the Congress.

Mr. MOAKLEY. This committee's function on this bill is very limited in scope. It is going in focusing on a small part of it. We don't have it all. Mr. Brooks is going to be having a hearing on this now.

Mr. FRENZEL. The wider the consideration the better, and until it is considered by some committee who is willing to look at it more thoroughly than we did, I hope it is secured to the inside of your coat pocket with sturdy pins and fishhooks.

Mr. MOAKLEY. That is how I keep my pants up.

Congressman Frost.

Mr. FROST. No questions.

Mr. MOAKLEY. Congressman Bauman.

Mr. BAUMAN. The one aspect of this legislation we do have jurisdiction over has to do with the Joint Committee on Printing. I did not realize what a vulnerable institution it was. It goes back 120 years.

Mr. FRENZEL. It still has got the same employees it started with.

Mr. BAUMAN. Except that their rates of pay are much higher.

Mr. FRENZEL. Yes, and I think, if I might respond, Mr. Chairman——

Mr. BAUMAN. I wasn't aware there was a question.

Mr. FRENZEL [continuing]. That illustrates the need for reorganization. The Joint Committee on Printing is obsolete.

Mr. BAUMAN. There may be some virtue involved in some degree of direct congressional control over the Government Printing Office at the very least in the sense that we produce much of what is printed there, strictly in terms of when they are loaded with our work as opposed to other agencies.

Did your committee address that aspect of it, the loss of direct congressional control?

Mr. FRENZEL. It is true that that bothered a number of members of the committee, but their concerns on this matter were overridden by a majority of committee members.

There was some attempt to make sure that the Congress would have first priority, or first call on GPO in the structuring of the bill, but there is obviously nothing, no control quite so good as that of Congress directing its operation.

Mr. BAUMAN. I have never been convinced that a commission is any better equipped to produce decisions or provide management than a congressional committee. Generally speaking, they both

suffer from certain inadequacies, but the bill envisions the replacement of one with the other.

Mr. FRENZEL. I was concerned about the commission, because it seemed like there were a lot of people on there, and a lot of people getting a lot of money who might have good general knowledge, but might not be up to date on the overall actual works of the printing facility, so I think that is a valid criticism. On the other hand, the Joint Committee on Printing does not have a sparkling record on this either.

We are operating at really an obsolete facility and I guess that is a separate matter and is going to be addressed separately and is in the process of correction; but we labor under enormous handicaps down there, and we do some things well. The jobbing out has been pretty good. We give a lot of business to small business, small printers.

Despite the testimony of the previous witness, that is one of the good things.

Mr. MOAKLEY. Congressman Long.

Mr. LONG. No questions, Mr. Chairman.

Mr. MOAKLEY. Thank you very much, Mr. Frenzel.

Mr. FRENZEL. Thank you very much, Mr. Chairman.

Mr. MOAKLEY. The next gentleman we will hear from is Mr. Werner Grosshans, Associate Director of Logistics, General Accounting Office.

STATEMENT OF WERNER GROSSHANS, SENIOR ASSOCIATE DIRECTOR OF LOGISTICS, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY STEPHEN DE SART, TEAM LEADER, AND MARTIN J. FITZGERALD, DIRECTOR, OFFICE OF CONGRESSIONAL RELATIONS

Mr. GROSSHANS. Before I start, Mr. Chairman, I would like to introduce Steve De Sart, who is one of our team leaders, and Martin Fitzgerald, who is our director from our Congressional Relations Office.

I do have a prepared statement, and I would like to submit it for the record.

Mr. MOAKLEY. Without objection.

Mr. GROSSHANS. We are pleased to have an opportunity today to appear before you, Mr. Chairman, and I want to briefly recap what GAO's effort has been in Government printing.

Prior to 1973, it has been primarily a financial audit responsibility. Since 1973 we have done a number of assignments, and they are listed in the appendix to my statement. [See p. 78.] There were some 24 different audit efforts during that particular period.

I would like to point out that most of these reports have been received very favorably, both by the Public Printer and by the JCP, and many of the recommendations have been implemented.

Attachment III to my statement gives a brief history of GPO, and much has been said already this afternoon as to the creation of the GPO and its current organization. [See p. 82.]

I would like to point out one major aspect, and that is when it started, the preponderance of the work was for the legislative branch, thus the creation of the GPO within the legislative branch.

That is no longer true today, and the prior witnesses have pointed out the various estimates for printing to be between $1 billion and $2 billion; of that, about $606 million was procured through GPO.

About $427 million was contracted out by GPO and the remainder of that, $179 million, was done in-house at the Government Printing Office.

Of that total amount of $606 million that was handled by GPO, roughly $81 million was for the legislative branch, so one can clearly see that the order of magnitude certainly has shifted over the years.

Today's printing needs can be viewed basically in three terms, production, procurement, and distribution.

And during the course of our review of GPO activities, we have been giving more and more thought to the basic underlying question, Is the current organizational structure the most appropriate to achieve and satisfy total Government printing, procurement, and distribution needs?

Today's printing structure can be viewed from several perspectives. Some of these might include: Does the present structure conform to normal Government practices from the standpoint of separation of powers between the legislative and executive branches?

Does the present structure conform to prudent business practice from the standpoint of management and controls?

Does the present structure afford the executive branch control over its own printing needs, which represent the preponderance of today's printing, as I pointed out previously?

In general, the answer to all three questions is no.

Constitutionally, there has been a general separation of powers between legislative and executive branches, and for the most part the legislative branch has the responsibility to make the laws, while the executive branch is responsible for implementing them with sufficient controls to assure effective operation.

This is not the structure followed in the Joint Committee on Printing's management and control over Government printing.

Also one could argue that from an organizational structure, today's printing structure is inappropriate. In essence, we have the Joint Committee on Printing not only reporting printing bills, writing regulations and establishing criteria to be followed in printing, but we also have them, the same body, supervising the actions of GPO and the various agencies' printing plants over 300, which have to be specifically chartered by this joint committee.

These printing plants have to report certain performance characteristics to the committee on a monthly basis, as well as get approval for certain acquisition of plant equipment.

As is apparent from the above, the separation normally expected in a management structure does not exist in this case. In essence, the Joint Committee on Printing is involved in the planning, reviewing, and the enforcing.

Perhaps more importantly, the current structure does not provide executive agencies sufficient flexibility to exercise their own expertise in procuring printing or in establishing the size and workload for their own printing plants.

While a centralized control is needed over executive agencies' printing, we believe this control belongs in the executive branch.

We have given some thought to some of the alternative structures that might be possible in addition to what has been proposed under the current bill. I would just like to mention a couple of them.

One would entail separation of printing between executive and legislative branch, and the executive portion possibly can be absorbed or performed by GSA while the legislative could remain in the current GPO or whatever successor organization would be named.

A separate question, of course, entails the responsibility for the distribution, the indexing, cataloging and the distribution of public documents, which we feel should be consolidated in a single agency. I think some of the advantages and disadvantages are stated in the statement, and I won't pursue them any further other than to point out that I think the prior Public Printers that we discussed with this particular proposal, rightly so pointed out a major disadvantage to that; and that is a possible duplication and competition between the two branches in the printing area could result in some proliferation, and also there has been some concern expressed when Congress is in recess, what would happen to the legislative printing plant?

I think those types of areas could be overcome, and I would be happy to respond to those if you have any questions.

Another alternative to the current structure proposed under the bill would be a single agency structure with an executive officer as being the key individual, and basically, having an advisory board that would act in that particular capacity to assist him.

That particular structure would be less disruptive, we believe, than what is contemplated, and to a large extent would provide some of the advantages being sought under the bill.

The remainder of the testimony dealt with the advantages and disadvantages that we felt are still inherent in the current bill, H.R. 5424, and it is stated in the statement, so I won't belabor that, and that basically ends my prepared comments.

I would be happy to answer any questions you might have.

[Mr. Grosshans' prepared statement follows:]

PREPARED STATEMENT OF WERNER GROSSHANS,
SENIOR ASSOCIATE DIRECTOR,
LOGISTICS AND COMMUNICATIONS DIVISION,
GENERAL ACCOUNTING OFFICE

Mr. Chairman and Members of the Committee:

We are pleased to be here today to discuss our work concerning the Government Printing Office (GPO) and to offer some comments on the adequacy of the current structure for managing the printing and distribution of public documents.

First, I would like to briefly discuss the work we have done at GPO in recent years, focusing on the problems we have identified and the improvements GPO has made in response to our recommendations. Second, I would like to discuss our concerns about the existing structure for managing Government printing and distribution of public documents and our views on possible changes to improve the structure's efficiency and effectiveness.

GAO'S WORK AT GPO

Until 1973, GAO's work at GPO was primarily directed to certifying to the accuracy of GPO's financial statements. However, since 1973, GAO has issued 24 reports on GPO activities. Attachment I gives a listing of these reports.

We have structured most of our work at GPO on the basis that the organizational structure has been established and accepted as a given. We have recommended improvements to the procedures and practices within the established structure to permit GPO to provide adequate and credible service to the Government and to the general public. We believe that the Public Printer has been quite responsive and has implemented many of the improvements we have suggested. The more pertinent issues we have reported on concerning specific activities at GPO are summarized in attachment II.

In the next part of this statement, I will briefly discuss the history of Government printing, what today's needs are, how these needs are met, and whether today's printing structure is conducive to satisfying total needs.

HISTORY OF GOVERNMENT PRINTING

Attachment III to this statement contains a recap of the history and evolvement of the current Government printing structure. In brief, GPO was established on March 4, 1861, as a result of congressional printers abusing printing contracts in the 1840s and 1850s. The establishment of GPO as part of the legislative branch to serve the Congress and agencies was justifiable years ago because there was more congressional work. Today, the situation has changed.

Total Government printing currently amounts to over $1.0 billion; in fiscal year 1979, about $606 million was procured through GPO. Of this $606 million, $427 million was procured from commercial contractors and $179 million was done in GPO's printing facilities. Congressional work made up only $81 million of the $606 million GPO was responsible for.

Because the printing requirements of Executive agencies make up such a high majority of total Government printing, we believe a review of the system for oversight of Government printing is needed.

TODAY'S PRINTING NEEDS

Today's printing needs can be viewed in terms of production, procurement, and distribution. Production needs consist of (1) congressional printing, which is almost always considered by the customer to be urgently needed, and (2) Executive agency printing, which consists of short turnaround items, specialty items, and longer leadtime items. The latter obviously is suitable for outside procured printing. Distribution needs consist of providing either general publications or technical reports to libraries, subscribers, and single order customers.

HOW ARE THESE NEEDS MET?

Congressional printing: Almost all congressional work is printed in GPO. The Printing Office is structured to quickly process "newspaper" type printing. Manuscript from the Congress is composed into type, proofread, printed and bound as high priority work. Agency orders which are simultaneously being printed at GPO are generally removed from a process if that process is needed for congressional work.

Executive agency printing: Executive agency printing is produced at GPO and at about 300 agency printing plants. Printing is procured in several ways--agencies' general needs are bought by GPO's central procurement office and also by GPO's regional procurement offices; agencies' envelopes and tab paper needs are procured by GSA; agencies' contract directly for items under $500 and other items for which GPO has granted the agency permission to contract directly; and GPO and the agencies jointly exercise "direct-deal" contracts which are established by GPO and the agencies issue order against them.

Guidance from the Joint Committee on Printing states that all printing work for the Federal Government that can be obtained from the private sector should be commercially procured. Work which cannot be commercially procured should provide the basis for the continued existence of each printing plant.

Agency printing plants generally are designed to produce local needs which are required quickly. Also, the equipment normally available in agency plants precludes specialty work or very high quality work. Orders which are beyond the scope of agency plants are supposed to be sent to the GPO or to the regional procurement office.

GPO in-house printing is based on the criteria that in-house orders should be only those which are not obtainable commercially or are needed to balance in-house workload. Congressional work constitutes the base GPO workload because of the priority and short turnaround required. Therefore, agency workload is considered "filler" to keep GPO fully loaded, especially during congressional recesses.

Distribution of documents

The distribution of printed documents to the public is split between GPO, the Commerce Department's National Information System (NTIS), the General Services Administration's Consumer Information Center (CIC), and free distribution by issuing agencies.

The Superintendent of Public Documents, GPO, is responsible for selling of Government publications produced by or through GPO, distributing public documents to depository

libraries, and cataloging and indexing Government publications.

NTIS obtains research reports and other analyses prepared by Federal agencies, their contractors or grantees, and distributes these to the public in the form of copies of reports and abstracts, microfilm, and computer tapes. NTIS has set up services with the intent of making information products available to the public and to facilitate the procurement process. Although NTIS charges for its services, the Congress appropriates funds which cover a small portion of the operating expenses.

CIC was established to disseminate information Government agencies accumulated about consumer products to the public. CIC's mission has been expanded to include publications on a broad range of subjects, a change resulting from consumer requests and congessional direction.

The Joint Committee on Printing's printing and binding regulations authorizes agencies to distribute free documents. Also, quantities of particular reports that may be printed for distribution are specified in various sections of Title 44 of the U.S. Code.

IS TODAY'S ORGANIZATION CONDUCIVE TO SATISFYING TOTAL NEEDS?

During the course of our review of GPO activities, we have been giving more and more thought to a basic underlying question--is the current organizational structure the most appropriate to achieve and satisfy total Government printing and distribution needs?

Today's printing structure can be viewed from several perspectives.

--Does the present structure conform to normal Government practices from the standpoint of separation of powers between the executive and legislative branches?

--Does the present structure conform to prudent business practice from the standpoint of management and controls?

--Does the present structure afford the executive branch control over its own printing needs which represent a prepondence of today's printing?

In general, the answer to all 3 questions is no. Constitutionally, there has been a general separation of powers between the legislative and executive branches. For the most part, the legislative branch has the responsibility to make the laws while the executive branch is responsible for implementing them, with sufficient controls to assure effective operation. This is not the structure followed in the Joint Committee on Printing's management and control of all Government printing.

Also, one could argue that from an organizational structure, today's printing structure is inappropriate. In essence, we have the Joint Committee on Printing not only reporting printing bills, writing regulations, and establishing criteria to be followed in printing, but we also have the same body supervising the actions of GPO and the various agency printing plants (about 300) which have to be specifically chartered by the Committee. These printing plants have to report certain performance characteristics to the Committee on a monthly basis, as well as get approval for certain acquisitions of plant equipment. As is apparent from the above, a due separation normally expected in a management structure does not exist in this case. In essence, the Joint Committee on Printing is involved in the planning, the doing, the reviewing, and the enforcing.

Our work has indicated a number of problems associated with the Joint Committee on Printing and GPO controlling executive agencies' printing, which, as previously mentioned, far exceeds legislative branch printing. Agencies complain, and our studies have shown, that GPO's timeliness in procuring printing for agencies is a problem. Further, GPO gives congressional work priority over executive agency work which also contributes to timeliness problems.

Perhaps more importantly, the current structure does not provide executive agencies sufficient flexibility to exercise their own expertise in procuring printing or to establish the size and workload for their own printing plants. While a centralized control is needed over executive agencies' printing, we believe this control belongs in the executive branch.

POSSIBLE ALTERNATIVE STRUCTURES

We have given some thought to the benefits to be gained from a structure in which management control over executive agencies' printing of public documents would be vested in a controlling organization within the executive branch (perhaps the General Services Administration) with GPO retaining responsibility for legislative branch printing. In line with this, responsibility for the indexing, cataloging, and distribution of public documents should be consolidated in a single organization. We see the obvious advantages and disadvantages of such an organizational structure as follows.

Advantages

--Improved distribution services to the public through centralized management of public documents.

--Improved service to executive agencies through removal of executive printing from legislative branch controls.

--Savings in plant requirements and utilization through consolidations in the executive branch.

--Savings through consolidated procurements by executive agencies.

--Reduction in duplication of printing activities in the executive branch.

--Reduction in duplication of distribution activities in both branches.

Disadvantages

--Possible duplication of printing facilities between the executive and legislative branches.

--Possible competition between the two branches in the procurement of printing.

Another alternative is to create a single agency structure, with an Executive Officer as the key individual. He could be assisted by an Advisory Board of which he could be a member. He could then have assistants for Printing, Distribution, and possibly Administration.

Advantages

--Less severe change than proposed by current bills.

--Provide a single focus for printing, procurement, and distribution.

--Better representation for both branches without diluting responsibility.

Disadvantages

--Possible additional cost in higher pay levels and cost of the Advisory Board.

The structure established by H.R. 5424 represents another alternative to correct some of the problems we have noted, but it is a more drastic change than we had previously considered necessary. While we have not completely evaluated all the provisions of the proposed bill, the more obvious advantages and disadvantages of the structure which would result from the bills would be as follows.

Advantages

--Potential savings through the centralization of the management of all Government printing in an independent agency.

--Potential savings through the centralization of the management of the distribution of all public documents in an independent agency.

--More effective distribution of documents to the public.

Disadvantages

--Additional cost of setting up more depository libraries, maintaining complete collection of public documents, and centrally indexing and cataloging all public documents.

Mr. Chairman, this concludes my testimony. We will be happy to answer any questions the Committee may have.

ATTACHMENT I

REPORTS ISSUED ON
GPO MANAGEMENT AND
OPERATIONS SINCE 1973

Review of the Use of High Cost Envelopes by GPO (Code 947043) (B-169391) (Representative Robert N. Steele)	MM-47	7-17-73
Delayed Orders from the GPO (Senator Adlai E. Stevenson III) (Code 947028) (B-114829)	MM-49	8-16-73
Additional Information Furnished Pertaining to Print Orders Awarded by the GPO (Code 990513) (B-114829) (Representative Dawson Mathis)	MM-52	8-17-73
Review of the Public Documents Department of the GPO (Code 947036) (B-114829) (Representative Robert F. Drinan)	LCD-74-413	12-14-73
Need to Improve Management and Operations of Regional Printing Procurement Offices (Code 947026) (B-114829) (Joint Committee on Printing)	LCD-74-404	2-20-74
Complaint of the Receipt of Volumes of the Federal Register Which Were Not Subscribed (Code 990515) (B-156248) (Senator Thomas F. Eagleton)	LCD-74-437	5-25-74
Observations and Suggestions for Improving The Public Documents Department (Code 947053) (B-114829)	LCD-74-431	6-14-74
Difficulty in Obtaining a Federal Register (Code 990516) (B-114829) (Representative George H. Mahon)	LCD-75-404	8-07-74
Cost Borne by Taxpayers for Printing the Transcripts of the Presidential Tapes Submitted to the House Judiciary Committee (Code 947106) (B-133029) (Senator Charles McC. Mathias, Jr.)	LCD-75-409	10-01-74
Agency Printing and Duplicating Operations Need Management Improvements (Code 947073) (B-114829) (Joint Committee on Printing)	LCD-74-438	11-01-74
Review of the Printing of Document "The Chiefs of Naval Operations" (Code 947111) (B-181349) (Representative John Moss)	LCD-75-412	11-14-74
Pricing of Publications Sold To The Public (Code 947096) (B-114829) (Joint Committee on Printing)	LCD-75-405	11-19-74
Printing the Air Force Pamphlet "Hints From Heloise" (Code 947130) (B-182211) (1-B) (Representative Jack Kemp)	LCD-75-425	3-28-75

Handling of Furniture and Equipment During the move of the GPO's Public Documents Division from the Main Building (Code 947168) (MM-151) (1-A) (Chairman, House Committee on House Administration) (LCD-75-450)	B-114829	7-25-75
Government Printing Office's Pricing of Publications Sold to the Public (Code 947178) (MM-157) (1-A) (Chairman, Joint Committee on Printing) (LCD-76-404)	B-114829	8-25-75
Complaints by Wellington Publication, Press, Inc., About GPO's Procurement Procedures (Code 947193) (MM-162) (Senator J. Glenn Beall, Jr.) (LCD-76-409)	B-114829	11-19-75
Substantial Improvements Needed in GPO's Services to Federal Departments and Agencies (Code 947117) (MM-138) (1-C) (LCD-75-437)	B-114829	12-29-75
Cost to the Public of Duplicating Reports by Agencies and Commissions (Code 947185) (MM-182) (1-A) Chairman, Sub. on Repts, Acctg., and Mgmt., Senate Comm. on Gov't Operations (LCD-76-428)	B-114829	4-12-76
Examination of Why One-Sided Copying is Performed by NTIS, DDC, and GAO (Code 990516) (LCD-76-463) (MM-216) (1-B) (Sen. Clifford P. Case)	B-156248	9-30-76
Phasedown of GSA Region 3 Printing Plant (Code 947260) (MM-226) (LCD-77-407) (1-A) (Rep. Frank Thompson, Jr., Chairman, Joint Committee on Prirting)	B-114829	11-17-76
Review of Specific Items at GPO Related to 1976 Hearings (Code 947263) (MM-232) (LCD-77-413) (1-A) (Chairman, Legislative Branch Sub., Senate Appropriations Com.)	B-114829	2-11-77
Government Printing Operation Improvements Since 1974 (Code 947252) (MM-227) (LCD-77-408) (1-C)	B-114829	2-22-77
Government Printing Office Production and Management Controls--Improvement Opportunities (Code 947179) (LCD-77-410) (MM-229)	B-114829	5-4-77
Review of the Government Printing Office's Internal Audit Program (Code 947278) (LCD-77-444) (MM-263) (2)	B-114829	11-23-77

ATTACHMENT II

ATTACHMENT II

SUMMARY OF
PERTINENT ISSUES FROM
PRIOR GAO REPORTS

Printing services for Federal agencies

In our report to the Congress (LCD-75-437, dated Dec. 29, 1975), we pointed out that GPO needed to improve its services to Federal departments and agencies to provide more rapid delivery of orders. To accomplish this, we recommended that GPO

--shorten its printing procurement process by eliminating some operations, using alternative procedures, and avoiding delays;

--exercise better control over its procurement of printing by using an improved reporting system and labor standards; and

--strengthen its contract compliance system to promote timely deliveries from commercial sources of printing ordered by Federal departments and agencies.

Pricing of publications

In our report to the Joint Committee on Printing (LCD-74-405, dated Nov. 19, 1974), we pointed out that increased costs of publications would affect the availability of these documents to the public. Therefore, we presented the following alternatives for the Joint Committee to consider:

--Continue the current policy of recovering the total sales program costs from revenues, which passes increased costs to the public.

--Subsidize the cost of publications through appropriations, which would lower selling prices.

--Decide whether the public printer should add the 50-percent factor to the current pricing formula.

Management of agency printing plants

In our report to the Joint Committee on Printing entitled "Agency Printing and Duplicating Operations Need Management Improvements" (LCD-74-438, dated Nov. 1, 1974), we pointed out that several agencies could reduce costs and increase productivity by procuring more printing commercially and by interagency consolidation of in-house printing plants. We

also reported that agencies could improve compliance with the Joint Committee's regulations on equipment acquisitions and on duplicating centers.

Distribution of public documents

In a report to the Congress (LCD-74-431, dated June 14, 1974), we pointed out problems in GPO's service to the public. One of the major functions of the Superintendent of Documents is to sell Government documents to the public, both through mail orders and through GPO's bookstores and assignment agents throughout the country. Although GPO's objective in 1974 was to fill orders in 4 weeks, it often took considerably longer, resulting in many complaints. Since then, GPO has successfully shortened the response time to around 2 weeks.

Management of regional printing procurement offices

In our report to the Joint Committee on Printing entitled "Need to Improve Management and Operations of Regional Printing Procurement Offices" (LCD-74-404, dated Feb. 20, 1974), we reported that regional procurement offices could improve their efficiency, reduce costs, and provide better service to Federal agencies procuring commercial printing. We recommended procurement procedures be changed by raising the minimum limits for formal advertising. We also suggested system improvements for reviewing billings and speeding up the payments.

GPO ACTIONS ON GAO RECOMMENDATIONS

In February 1977, we issued a report to the Congress (LCD-77-408, dated February 22, 1977) which compiled our reccommendations and actions taken by GPO. We pointed out that although some improvements were still needed, printing costs had been reduced, productivity had increased, and processing time for orders had been reduced.

ATTACHMENT III

HISTORY OF GOVERNMENT PRINTING

The Government Printing Office evolved from abuses of printing contracts by congressional printers in the 1840's and 50's. In 1858 and 1860, Congressional investigations reported kickbacks and profiteering on the part of House and Senate printers. Key figures in these investigations were William Harris, Senate Printer and Cornelius Wendell, House Printer.

Testimony in 1860 disclosed the terms between Wendell and Harris by which Wendell agreed to execute all of Harris' Senate printing. In return for the--

> "entire charge, trouble, and expense of (Harris), the said Wendell (would) pay to the said Harris the sum of $10,000 per annum for his full share of the profits on the said Senate printing ***; or if the said Harris prefers it, such sum as may be due to him shall be retained by him from the money which may pass through his hands in payment for the public printing."

There was one condition, however: Senate printing "shall amount to the sum of $100,000 or more."

It was shown that the printing and binding bill for Congress from 1858 to 1860 was $5,201,459, nearly all of which Mr. Wendell had executed as contractor or subcontractor.

Commercial printers of the period agreed that the Government could save at least 50 percent on its printing costs.

On June 23, 1860, Joint Resolution No. 25, which provided for the establishment of the GPO on March 4, 1861, was signed by President Buchanan. It stated that the Superintendent of Public Printing was--

> "authorized and directed to have executed the printing and binding authorized by the Senate and House of Representatives, the Executive and Judicial departments, and the Court of Claims, and, to enable him to carry out the provisions of this act, he is hereby authorized to contract

for the erection or purchase of the necessary buildings, machinery, and materials for that purpose."

In the first 9 months of GPO's operation, $551,000 of printing was produced, $510,000 for Congress and $40,000 for the Executive Branch. Although wartime demands pushed printing costs to $1,400,000 by 1863, the Public Printer reported comparative costs showing $500,000 in savings for 2 years of operation.

On January 12, 1895, President Cleveland approved a comprehensive act codifying the public printing laws. The greater part related to size of editions and the distribution of publications.

The two main features were: (1) the centralization of printing, and (2) establishment of the office of the Superintendent of Documents.

In the 1895 act, the Joint Committee on Printing was granted broad powers to adopt and employ such measures as in its discretion may be deemed necessary to remedy any neglect, delay, duplication or waste in the public printing and binding and distribution of Government Publications. At that time executive department work was about one-half of GPO's printing output and branch plants had been established in many executive agencies. However, the Government Printing Office was the sole printing function and because it was an arm of Congress, the control over the GPO by the JCP was a logical management approach.

During the ensuing 20 years, many branch plants were closed and moved into the central office. To prohibit the establishment of additional branch offices by the GPO, the following limitation was included in the GPO appropriation act for fiscal year 1915:

"No money appropriated by this or any other act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established unless specifically authorized by law."

The Printing Act of 1895 attempted to limit the over-generous distribution of Government publications. It became the organic printing act, outlining the duties and functions of the GPO. Its primary achievement was the creation of a Public Documents Division, under a Superintendent of Documents, but it also contained some loopholes which permitted the continuation of certain distribution practices. As the infant division grew older and gained experience, later amendments to the act placed Government book selling on a businesslike basis.

The Superintendent was dismayed by the "bewildering congeries of volumes, numbers, and parts *** of Congressional documents." He stated:

> "Of course the present system was not devised by anybody. There was never anybody who could have devised it. Like Topsy, it "just growed."

He further noted that--

> "One might as well try to commit to memory the lettering on a Chinese tea chest as charge one's mind with such a rigmarole.
>
> The Superintendent reported that first year's sales amounted to about 3,000 documents for $1,000.

During the years 1904-08 the GPO had been the Government's "problem child," and the newspapers of the day had devoted much space to the series of investigations and parade of successive Public Printers.

In 1905, Congress recognized the need for new legislation to correct the growing abuses in the public printing, and set up the Printing Investigation Commission. As a result of the investigation, Congress placed fiscal restraints on the amount of GPO purchases.

World War I activities were responsible for a printing product of over $12,205,000, far in excess of any year in Office history. The immediate preceding years had produced successive record highs, but the many new bureaus and expansion of work in established departments demand enormous quantities of printing and binding for immediate use. With an unlimited number of orders on hand, planning procedures were adopted so that a vast quantity of finished work was produced advantageously and at a cost less than commercial prices.

War agencies demanded--and received--75 million thrift cards, 25 million questionnaires and blanks, 27 million notices of classification, and numerous orders ranging from 1 to 5 million each.

The old-line agencies contributed to the printing pressure. In addition to 350 annual reports with runs ranging from 1,000 to 450,000 copies, the departments also required about 100 dated periodicals, including 8 daily, 22 weekly, and 58 monthly publications, running between 500 and 200,000 copies.

The Public Printer noted that printing needs were "increasing by leaps and bounds." He also noted that departments had purchased considerable printing from commercial sources, and that charges were higher than the Office scale of prices. Such charges, he claimed, varied from 2 to 470 percent higher, but approximately 60 percent could have been saved if the work had been performed in this Office.

The Public Printer also recommended--

> "immediate legislation that will require all printing and binding orders *** to be placed direct with the Public Printer and to be done in the GPO, with proviso that such work as cannot at any time be handled in the GPO may be let out by the Public Printer on contract to commercial printing offices."

Congress in 1919, widened the scope of public printing performed by the GPO. When it passed an act which required that--

> "On and after July 1, 1919, all printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, and every executive department, independent office, and establishment of the Government, shall be done at the GPO, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District."

The effect of the law placed in the Office all printing formerly financed by funds other than regular printing ap-

propriations. Known as repay work, it had been executed by Government field printing plants or procured from contract printers in various parts of the country. In 1927, executive agencies were given their own printing appropriations, rather than going through GPO.

During World War II, the record of the production divisions was at a rate which even the Public Printer believed to be impossible. In 1940 the dollar cost of the output of the Office was $20,150,203. In the following year it jumped to $26,794,775, and commercially procured printing totaled an additional $1,789,962. Thus the dollar output of the plant increased 32-1/2 percent. Officials felt that this was the ultimate accomplishment. However, production continued to show increases, until, in 1945, the home plant produced $26,035,211--78-1/2 percent above the 1940 figure.

There were times when it seemed that GPO could please no one. Commercial printers, many of whom lost almost 100 percent of their business when restrictions on manufacturing were imposed immediately after Pearl Harbor, brought pressure on Congress to limit the Office to production of congressional work and to farm out all departmental agency printing. Some Government departments (notably the rapidly expanding War and Navy Departments and the emergency war agencies) objected because the Office insisted on producing printing in a form consistent with the printing laws and with established principals of economy and efficiency. Some of these agencies sought permission from the Joint Committee on Printing to obtain all their work on waiver, without supervision by the Office. Others found deliveries were too slow, quality of work was unacceptable, the printed book or pamphlet was filled with typographical errors, war grades of paper were flimsy, the finished work was delivered in damaged condition, and so on without end. These complaints were also carried to the Joint Committee on Printing, whose lot during the war was not a happy one.

The increased plant capacity was insufficient to meet in full the sudden demands. However, 80 percent of the additional orders was absorbed by the Office, and the remaining 20 percent was procured on contract from commercial printers at a cost

of $1,798,962. This was the first time in Office history that commercial printers and binders had been made GPO partners. Previous purchases had been limited to specialty forms and were small in amount.

In 1946, after many years of strenous efforts by the Joint Committee on Printing and the Public Printer to control the production and growth of department field printing plants throughout the country, the Bureau of the Budget transferred supervision of a number of general service plants to the GPO. Designed to achieve economy and timeliness of service, the operation was placed under a new Field Service Division, with a Field Service Manager in charge.

Effective July 1, the control of Treasury printing plants in 15 cities passed to the GPO. The taking over of the Treasury plants was a very small beginning. In practically every State could be found departmental printing and duplicating plants. A 1946 survey disclosed 389 such plants, with an equipment investment of over $13 million, operating costs of over $26-1/2 million, and employing 7,721 persons.

Another factor which provided the impetus toward correction of field plant printing abuses was a complaint of the Printing Industry of America, Inc., representing over 2,000 employing printers. In a letter to the Joint Committee on Printing, concern was expressed over the use of Government printing equipment in competition with private industry.

On July 1, 1948, the Joint Committee on Printing issued the first of a new series of regulations, entitled Government Printing and Binding Regulations, which encompassed the most complete, far-reaching changes in the Government's printing program, particularly with regard to field printing, which had taken place in a quarter century.

In 1949 executive departments were given authority to perform much of their own printing, but only when approved by the JCP. At this time President Truman stated that if the JCP carried out their duties to the letter of the law it would represent an invasion of the rights of the Executive Branch by a legislative committee. He noted that "restrictions imposed by Congress should be left to the Executive Agencies to administer."

In 1955 the Hoover Commission on Organization of the Executive Branch of the Government made a survey of Government business enterprises. In its study of Federal printing, it stated that overall Government printing expenditures for 1954 were estimated at $370 million. The GPO spent about $71 million, of which $8 million was for Congress. Of the total $14 million was procured by the Office from commercial sources, and an additional $30 million was contracted for executive agencies.

The Commission further noted that the total cost of printing for executive departments was estimated at $285 million, with about $63 million by the GPO. The balance was performed by 327 departmental printing and duplicating plants, of which 196 were operated by the military services. Presumably the grand total of the estimate included the output of every small office duplicator in the agencies.

In 1978 the GPO's printing amounted to about 606 million, of which $89 million was for Congress $179 million was produced at GPO. However, the JCP still controls all Government Printing. In exercising its authority, the JCP issues regulations, makes decisions regarding the obtaining or disposing of equipment, monitors the costs and production volumes of 300 agency printing plants and determines whether to open, close, or move an executive plant.

Mr. MOAKLEY. On pages 6 and 7 of your prepared statement, you outline a number of alternatives. Do you have any one alternative that you might prefer?

Mr. GROSSHANS. Ideologically, we would probably prefer the first that I mentioned, where you really have the executive branch exercise their own control over the printing. I might just elaborate a little bit why some of the agencies have complained about the current structure, and also some of the observations that we have had, and some of the reviews that we have performed. Under today's structure we don't have the review process that you would normally have in the executive structure, if it were performed in a normal realm of things.

For example, some of the work we had done dealt with the agency printing plants, and one of the questions that arises, of course, is how efficient are they? Should they be continued? At what level? What is the base level that we can afford to sustain that printing? How many can we afford in a particular city? Is 300 too many? How do we modernize some of these plants when they are relatively small?

Just to give you some idea of the current cost information that is being furnished on a monthly basis to the Joint Committee on Printing, it shows that some of these plants report cost per thousand sheets of printing, and that ranges from under $10 to up to $50. That gives you some idea of the differences in cost associated with some of this printing.

We have done some work in this particular area and pointed out that some economies could be achieved by centralizing some of this printing, and by making greater use of the commercial sector where it is appropriate and cost advantageous.

You normally don't have a way to get this accomplished, because OMB isn't in the overall role in this particular area. JCP, on the other hand, or GPO does not have appropriation controls over agency budgets, where the money would flow, so these are some of the difficulties that we have noted, and that some of the agencies have pointed out. There is no appeals process. If JCP says reduce or close down, you don't have the normal appeal process that would be present in an OMB structure on the executive side, so it is for those reasons that we feel and are somewhat sympathetic to the views that have been expressed by many of the executive agencies of wanting more control over their own destiny.

Mr. MOAKLEY. Can you cite any intrusions the JCP has made into executive printing that has hampered any production of any printing?

Mr. GROSSHANS. If JCP and GPO properly perform their role, they would be in an oversight position to look and see how effective these plants are operating and whether they should be continued.

Mr. MOAKLEY. I mean as a result of any of their actions, has any printing, say, not been sent out on time, or hasn't been done properly?

Mr. GROSSHANS. We have addressed the question on timeliness, and this is another question that does come up. I don't think it is so much a question of not willingly doing it. Some of these complaints come up, there is a certain amount of time that is required when you contract out. There is a minimum amount of lead time

required. It takes longer than if you do it in-house and have it just a few feet down the hall.

The more important question probably is, when do you send that work out? For example, the work coming through GPO, they make a determination as to whether it is needed to be produced in-house by GPO and used as filler work to smooth the peaks and valleys. So, a certain amount of that work is held back.

Now, when you hold it back, say, for several days or a week, now all of a sudden it becomes priority work, because the agency still needs it in 5, 10 days, and that is where the complaints have come and a lot of times the agencies also are socked with a surcharge for high-priority work, and that is where a lot of the complaints have stemmed from in the past.

Mr. MOAKLEY. If the executive had their own printing service and they didn't have to funnel it in between the legislative printing would they be on top of it?

Mr. GROSSHANS. That is one of the complaints, and there is a certain amount of truth to that, because legislative printing does get priority.

Mr. MOAKLEY. If H.R. 5424 were enacted, do you see any rationale for the continuation of the Joint Committee on Printing?

Mr. GROSSHANS. The bill itself contemplates elimination of JCP.

Mr. MOAKLEY. Do you see any role that JCP would have?

Mr. GROSSHANS. I don't believe so, because much of what is currently done would go over to the director or to the chairman in the new production agency, and of course, the oversight committees, the Senate Rules Committee and the House Committee on Administration, I am sure, would have a very strong oversight responsibility which is currently contemplated, so in essence, they would fulfill some of the roles that JCP is now filling.

Mr. MOAKLEY. Congressman Bauman.

Mr. BAUMAN. You lay heavy emphasis on the lack of executive control over the printing the Government does because of the current arrangement. Would this commissioner, this new director, solve that in any way? It seems to me we are almost creating an autonomous agency that will not in fact be any more responsive than the current arrangement, only a different name on it and a different group of people involved.

Mr. GROSSHANS. The prior witnesses addressed that. You know, there is really the question of how this would be implemented. The bill currently is rather vague, and how the board and what the board would do and how closely they would control this and what type of mandates that board would spell out, I don't think anybody knows at this particular time, so your concern that you are expressing is a valid concern.

The other aspect, I might just add, when this was heard before the joint committee before, the proposal at that point was that this particular board organizationally would be in the executive branch, however, during markup—this was changed, and it is back—in the legislative branch.

Mr. BAUMAN. Yet not under the control of the legislative branch, so you probably have the worst features of both.

Mr. GROSSHANS. That is possible; right.

Mr. BAUMAN. You have listed in your appendix here the number of reports, 24, that you have done on GPO's activities since 1973.

At any time did you find collectively, with the problems that your reports address, a need for anything as drastic as this legislation proposes?

Mr. GROSSHANS. Not to this extent. We had given some thought to a proposed review, in addressing some of the problems that we spelled out in the testimony.

Back in the latter part of 1977, we discussed this with the then Public Printer, Tom McCormick, and got his views. He pointed out the objections that he had to it, but he would be the first one to admit that some changes are necessary.

It is a realinement of responsibility between JCP's function right now and what GPO really performs.

Agencies have voiced objections of having to go through GPO for all their procurement of printing.

Some of the agencies feel they have adequate capacity and could do a credible job. In defense of GPO, they do extend what they call direct deal contracts when the agency makes a credible case for that and shows justification, but that still is a relatively small portion of the total amount that is contracted out.

Mr. BAUMAN. None of your reports reached the conclusion that this is kind of a major——

Mr. GROSSHANS. The third area dealt with the distribution which we felt the GSA, the NTIS and the Superintendent of Documents functions probably could be much closer alined, and maybe the public needs to have a better index of publications that are available, because each one of those agencies puts out catalogs, and they don't necessarily cover all of the printed publications available.

You have got another big problem with some of the agencies' distribution of printed matters on a free basis while the Superintendent of Documents or maybe CIC within GSA is trying to sell some of these publications, so this particular area we felt needed realinement. It needed to be addressed and some coordinated effort undertaken, and it was those types of areas that we felt needed attention.

Mr. BAUMAN. That could be dealt with very easily separately from the printing functions, the distribution problem?

Mr. GROSSHANS. That is correct.

Mr. BAUMAN. What kind of response have you had from the GPO to the suggestions your various reports, over the last 7 years, have made? Reading the rest of this, a lot of them dealt with printing on time, availability, distribution, and so on, from GPO. Have they responded?

Mr. GROSSHANS. Absolutely.

We have had very good relations with each of the Public Printers in the past and they have been very, very responsive to those recommendations. One area I might cite as an example, in the area of the Superintendent of Documents' distribution of publications. When we looked at that back in the 1974–75 timeframe, the GPO goal at that particular time was 4-weeks response time. You might argue whether that is responsive enough to the general public, or not. That 4 weeks was not achieved at that time. Some of it took as long as 80, 90 days, so you had a lot of complaints from the public.

After our reports, GPO did a tremendous job in turning that around, and their goals were established at a 2-week response time and they have improved on that in recent years. One example of what has been done.

Mr. BAUMAN. The request for a document is now answered in 2 weeks or less?

Mr. GROSSHANS. Right.

Mr. BAUMAN. Thank you.

Mr. GROSSHANS. Thank you very much.

Mr. MOAKLEY. Our next witness is Anthony F. Ingrassia, assistant director, labor-management relations, Office of Personnel Management.

STATEMENT OF ANTHONY F. INGRASSIA, ASSISTANT DIRECTOR FOR LABOR-MANAGEMENT RELATIONS, OFFICE OF PERSONNEL MANAGEMENT, ACCOMPANIED BY DON WILSON, CHIEF OF POLICY AND PROGRAM EVALUATION

Mr. INGRASSIA. Mr. Chairman and members of the subcommittee:

I am pleased to appear today in response to your request for the Office of Personnel Management's views on H.R. 5424, the National Publications Act of 1980. Accompanying me is Don Wilson, chief of policy and program evaluation, office of labor-management relations, OPM.

H.R. 5424 would abolish the U.S. Government Printing Office (GPO) and establish the National Publications Office (NPO) in the legislative branch of Government. The proposed legislation would also abolish the Joint Committee on Printing and transfer its responsibilities to a 10-member—7 voting, 3 nonvoting—National Publications Commission. The commission would be responsible for policy direction and overall management of the NPO.

The primary purpose of H.R. 5424 is to provide for improved printing and publications service by the Government. My testimony today will focus on section 310, the labor-management provisions of the legislation and its potential impact on NPO's operation. At present labor-management relations in the GPO are subject to the same law that governs collective bargaining in the Federal executive branch. GPO was brought under the Federal service labor-management relations program by title VII of the Civil Service Reform Act of 1978, now codified as 5 U.S.C. 71. Title VII of CSRA superseded Executive Order 11491, as amended, which previously set forth the groundrules for collective bargaining in the executive branch. Prior to coverage under title VII, GPO's labor-management relations system was governed by internal GPO instructions—GPO Instruction 630.1 of November 24, 1971, revised March 3, 1975—patterned after the Executive order program.

Under section 310 of H.R. 5424 the labor-management relations program of the National Publications Office would be based on the provisions of the National Labor Relations Act as amended by the Taft-Hartley Act, and the Labor-Management Reporting and Disclosure Act, except to the extent that such acts are inconsistent with H.R. 5424. While there are differences on specific issues, this general approach is similar to the labor-management relations system enacted in the Postal Reorganization Act of 1970 for the Postal Service.

In our view, Mr. Chairman, there is no compelling reason at this time to remove the GPO or its successor agency from coverage of title VII. As noted, labor-management relations in GPO have been governed by title VII only since the effective date of CSRA, a little over 16 months ago. It is unlikely that either labor or GPO management have fully adjusted to the provisions of the new law. We do not believe there is any evidence supporting the removal of GPO from the general Federal labor-management relations program so soon after the congressional decision to include the agency under title VII of the Reform Act.

It is fully recognized that over time the GPO has developed a system of collective bargaining adapted to its own needs. For example, GPO has a history of bargaining over wages with unions representing printers and other craft employees. Except in a few rare cases where such negotiations have been traditional in the Federal executive branch sector, bargaining over wages and other economic matters are expressly prohibited under title VII. Nevertheless, Congress took such factors into consideration during the development of CSRA by "grandfathering" in the law the right of unions and agencies, with a history of bargaining over wages, to continue such negotiations.

Thus there is no bar to GPO continuing its existing pay-setting practices under title VII.

Three weeks ago, the House Subcommittee on Civil Service, chaired by Congresswoman Schroeder, completed its initial oversight hearings on the implementation and operation of title VII. While some problems in the program were identified during the hearings—as well as successes—there was general agreement among those testifying that it was too early to think in terms of legislative change. Both unions and management indicated the system is working well, that for the most part it is meeting the needs of the parties, and that it should be given sufficient time to meet the objectives as expressed by the Congress in the act's findings and purpose. This early assessment of the program is a clear indication that title VII rests on sound footing and is flexible enough to accommodate the special needs of the Government Printing Office or any successor agency.

I therefore urge this committee to give careful consideration to the proposed changes in the GPO's labor-management relations system. While the decision, reflected in the latest version of the bill, to locate the National Publications Office in the legislative branch instead of the executive branch greatly reduces the concerns we had with the original bill, there still remains the potential of adverse impact on the Government's overall labor relations policies by granting certain rights to some Federal employees not available to others. If, however, it is determined the National Publications Office be placed under a separate labor relations program, then OPM would offer the following comments.

In reviewing the report by the Committee on House Administration of the U.S. House of Representatives, House Report No. 96-836 of March 18, 1980, we are pleased to note that some of OPM's earlier concerns have been addressed.

The decision to have the National Labor Relations Board resolve recognition, unfair labor practice and negotiability disputes is con-

sistent with the legislative intent to apply, in general, the National Labor Relations Act, as amended, to the new agency. Likewise, the ban on strikes is consistent with long-term Federal policy. I should point out, however, that the bill contains no restrictions or sanctions on the union per se for calling, authorizing, or condoning strikes or picketing which interferes with Government operations as contained in 5 U.S.C. 71.

OPM, however, remains concerned with the negotiability of union or agency shop provisions even though NPO is in the legislative branch. Union or agency shops are not permitted under chapter 71 of title 5, U.S.C., nor are they permitted in the Postal Service under collective bargaining rights granted by the Postal Reorganization Act of 1970. Thus, Congress has been on record twice on this issue.

Further, we question the lack of a management rights clause similar to that found in 5 U.S.C. 7106. We do not believe reliance on private sector case law is sufficient to guard against the negotiation of work preservation clauses and similar limitations on the ability to contract out work. While there have been some case decisions by the NLRB finding no union right during the term of a contract to negotiate changes in established contracting out practices [see e.g., Fibreboard Paper Products Corp., 138 NLRB 550, 51 LRMM 1101; Town & Country Mfg. Inc., 136 NLRB 1022, 49 LRMM 1279]. By contrast, 5 U.S.C. 7106(a)(2)(B) which presently governs GPO negotiations clearly retains to management the right "to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted."

Obligations placed on the parties to retain essential management rights are of particular importance in light of H.R. 5424's provision for "final offer arbitration" as the compulsory means for resolving bargaining disputes.

Finally, we seriously question any system of collective bargaining that purports to put a floor on rights and obligations provided under existing statutory personnel benefits and limits negotiations solely to improvements.

Mr. Chairman, my statement today is primarily addressed to the implications of the labor-management aspects of H.R. 5424. The administration's concerns in other areas of the bill were addressed in earlier testimony today.

This concludes my statement, and I would be happy to respond to any questions you may have.

Mr. MOAKLEY. Do you feel the labor-management relations within the GPO, which is probably one of the only Federal agencies that work with a predominantly trade workforce, should be treated differently from workers within the Federal Government at large?

Mr. INGRASSIA. No; I don't think so. We have a number of agencies with bargaining units totally made up of craft and trade employees that have been involved in collective bargaining, and formal labor-management relations programs for many, many years.

For example, the Bureau of Reclamation in some of their projects, such as the Colorado River Valley, the St. Lawrence Seaway, the Alaska Railroad, and similar activities have been included in

the coverage of title VII of the Civil Service Reform Act. We see no reason why title VII cannot work similarly in GPO as, in fact, it has for 16 months.

Mr. MOAKLEY. You also discussed your concern that under H.R. 5424 a union shop could be negotiated. Isn't it true that almost all GPO nonsupervising personnel are already union members?

Mr. INGRASSIA. I cannot speak to that. I would imagine that is probably so. Having come out of the newspaper business myself, it is not unusual to have strong membership, but the question of belonging and the question of whether you are required to belong or pay dues is an issue that we feel should be addressed, if addressed at all, across the board for all Federal employees and not in a piecemeal fashion.

Mr. MOAKLEY. OK. I am sorry the other members are not here. I know Mr. Bauman was very interested in your testimony today.

The committee will now hear from Mr. Boarman, president of the Columbia Typographical Union, Local 101.

STATEMENT OF WILLIAM J. BOARMAN, PRESIDENT, COLUMBIA TYPOGRAPHICAL UNION NO. 101, ACCOMPANIED BY RONALD ROSENBERG, ATTORNEY AT LAW, VAN ARKEL, KAISER, GRESSMAN & ROSENBERG, WASHINGTON, D.C.

Mr. BOARMAN. We are happy to be here today, and I would like to introduce my distinguished colleague. He is Ronald Rosenberg, of the law firm of Van Arkel, Kaiser, Gressman & Rosenberg.

May I ask that my full statement be made a part of the record?

Mr. MOAKLEY. Without objection, your statement will appear in the record.

Mr. BOARMAN. I am testifying in favor of H.R. 5424 and I am appearing in several capacities.

First, I am testifying on behalf of the AFL-CIO and the Public Employee Department of the AFL-CIO. I also represent several unions in the graphic arts industry with more than 375,000 members throughout the United States and Canada.

I personally have been employed at the GPO as a printer. I am aware of the quality of work which can be produced, the skill of the people employed there and the general method of operation. Unfortunately, I am also aware of the shortcomings of the GPO.

We support H.R. 5424 because, in our opinion, the legislation is long overdue and much needed.

We agree with the basic thrust of the bill and its principal goal to create a commission which will manage a comprehensive centralized printing and distribution operation for the Federal Government.

In addition, we specifically support the goal of establishing a separate but equal position to that of the Public Printer, placing proper emphasis, as the American Library Association noted, on the use of information produced at taxpayer's expense.

We do not believe it necessary to point out in detail the heavy burden carried by the Joint Committee on Printing as the overseer of GPO's operations. The difficulties encountered by the Joint Committee flow from the nature of Congress and the legislative process, conflicting committee assignments, and the magnitude of the GPO operations.

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From our viewpoint, the mechanism of supervision by the Joint Committee on Printing frequently resulted in all matters being handled by the administration of the GPO without due regard to any other interest.

The Joint Committee on Printing became a court of last resort, frequently being dragged into operational problems at the worst possible time in the legislative process, when other congressional demands were more pressing.

Plain and simple, the GPO is a business and you can't run a business with a legislative body.

As Coopers & Lybrand concluded, the:

> GPO's scope of operations and technical approach generally resembles that of a large manufacturing enterprise * * * GPO's top management have stated that the GPO is more like a business enterprise than a Government agency.

Thus, the GPO functions both as a huge modern printing firm and large-scale clearinghouse for brokering printing contracts.

For these reasons, we fully support the concept of the commission. We believe that supervision of the GPO by a commission will be highly beneficial and produce increased efficiency in terms of ongoing operations, full utilization of the facilities, skills, and equipment available, and needed independent supervision of the outside procurement operations.

We also support the concept of a broadly representative commission as specified in section 303.

We believe that the commission should contain voting members from the printing and reproduction industries, organized labor, the library community, and the information industries.

We also agree with the concept of three nonvoting members and believe representation on the commission by the Committee on House Administration and the Committee on Rules and Administration will insure close cooperation between the commission and the Congress and enhance the efficient operation of the GPO.

As a member of the ad hoc advisory committee to the Joint Committee on Printing, I attended all 13 sessions held by the committee. The committee examined the problems of managing the GPO, including the supervision of the GPO by the Joint Committee on Printing, and it discussed creating an independent commission.

I am therefore delighted to see that this bill directly respond to the problem recognized by the ad hoc committee and uses the approach of a commission.

Now turning to labor-management relations. Labor-management relations at the GPO have always been unique when compared with other Federal agencies.

Employees at what is now the GPO were unionized from the outset when the Typographical Union supplied all skilled workmen to the congressional Printer. Later different craft unions began to represent various other groups of employees at the GPO.

For example, the printing pressmen were represented by a union in 1895.

The bookbinders at the GPO were first represented by the International Brotherhood of Bookbinders around 1892. The lithographers and photoengravers were first represented by their respective craft unions around the turn of the century.

Presently, with one minor exception, all nonmanagerial employees are represented by the Joint Council of Unions consisting of 14 AFL-CIO unions.

The point is that union representation at the GPO has a distinct and long history, substantially antedating the period during the 1960's when other unions began representing employees at Federal agencies pursuant to Executive Order 11098.

It is this history of labor-management relations and representation which section 310 of the bill recognizes.

Accordingly, we support the objectives of the labor-management relations provisions of the bill. Those provisions in large measure codify existing practices under section 305, the Kiess Act. The bill largely reiterates the position taken by Chairman Cannon of the Joint Committee on Printing when, quoting from the House report on the Kiess Act when he told the Public Printer that:

> The wages and compensation for these various groups ought to be determined in the same manner as any large industrial concern negotiates with its employees.

A copy of that letter is attached to my prepared statement.

The principal innovation of the bill is the provision that collective bargaining impasses will be resolved by arbitration. In the private sector, of course, bargaining impasses are resolved by strikes and lockouts. Strikes are forbidden in the Federal service as they are under most State and local collective bargaining statutes. The States and their subdivisions have found that where strikes are forbidden, arbitration is a fair and sensible way to resolve bargaining impasses.

We believe that the experience of GPO and its unions, with this kind of procedure last year, demonstrates that impasses arbitration is workable and merits support.

The bill also confers jurisdiction upon the National Labor Relations Board to resolve unfair labor practices and questions concerning union representation at the GPO. We support the principle that such matters should be resolved by the NLRB rather than the Federal Labor Relations Authority. The Federal Labor Relations Authority is keyed to a system of labor-management relations that is far more circumscribed than that now in effect at GPO. Consequently, in order to fit GPO's existing labor relation system, the NLRB is the proper jurisdictional body for the governing of labor-management relations.

This provision will also put an end to the extended and acrimonious disputes over the scope of GPO's authority over personnel matters that have poisoned GPO labor negotiations in the past.

Enactment of the bill could usher in a new era of labor-management cooperation and thereby contribute to the efficient, economic provision of printing services and document distribution that is the overriding objective of H.R. 5424.

Section 502 of the bill recognizes the general principle that all public printing services for the Government shall be provided through the Government Printing Office. This is in keeping with the concept of centralized control of printing for the Government. It takes cognizance of the facilities, equipment, and skilled labor the GPO already has, while recognizing the need for continued outside procurement.

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Subsection (b)(1) specified two limited circumstances when printing may be provided, other than through the Government Printing Office. This subsection should be narrowly construed, since the phrase, "through the Government Printing Office" includes outside procurement from commercial printing plants.

It must be acknowledged by all that the GPO is one of the finest printing establishments in the world. It has a skilled work force, modern equipment, and the nucleus for modern building facilities.

It can and does produce a fantastic volume of work. As any prudent businessman knows, the cost of maintaining these facilities, equipment, and labor force continue whether or not there is work in the plant.

Based upon our experience, it would be a fraud upon the taxpayers to require them to pay for these fine facilities with their hard-earned tax dollars while permitting duplicate printing facilities to be set up to substitute for the GPO.

GPO, as the centralized source of printing, should be able to control the flow of subcontracting so that the capabilities are maintained to permit the GPO to meet the legislative printing requirements of Congress.

In sum, this is an excellent bill. It responds to most of the points that the ad hoc advisory committee discussed and reviewed during its meetings.

It sets the stage for more efficient use of the taxpayers' money and recognizes the input of distributing information produced at taxpayers' expense.

We agree with the analysis of the American Library Association that the bill will assist in the efficient distribution of public documents.

We agree with the statement of Coopers & Lybrand that there is need for a Board of Directors to insure that the GPO is managed like a business enterprise.

In conclusion, the bill embodies long overdue reforms.

On behalf of the AFL-CIO, employees at the GPO, the Public Employee Department of the AFL-CIO and the several international unions in the graphic arts industry, we wholeheartedly support it.

I appreciate the opportunity of having appeared before you and I would be happy to submit to any questions the committee may have at this time.

Thank you.

[Mr. Boarman's prepared statement follows:]

PREPARED STATEMENT OF WILLIAM J. BOARMAN, PRESIDENT, COLUMBIA TYPOGRAPHICAL UNION LOCAL 101

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The point is that union representation at the GPO has a distinct and long history, substantially antedating the period during the 1960's when other unions began representing employees at Federal agencies pursuant to Executive Order 11098.

It is this history of labor-management relations and representation which section 310 of the bill recognizes.

Accordingly, we support the objectives of the labor-management relations provisions of the bill. Those provisions in large measure codify existing practice under section 305, the Kiess Act. The bill largely reiterates the position taken by Chairman Cannon of the Joint Committee on Printing when, quoting from the House report on the Kiess Act when he told the Public Printer that: "The wages and

compensation for these various groups ought to be determined in the same manner as any large industrial concern negotiates with its employees." Letter of Senator Cannon to former Public Printer Thomas F. McCormick, August 4, 1977, appended to this Statement as Exhibit A.

The principal innovation of the bill is the provision that collective bargaining impasses will be resolved by arbitration. In the private sector, of course, bargaining impasses are resolved by strikes and lockouts. Strikes are forbidden in the Federal service as they are under most State and local collective bargaining statutes. The States and their subdivisions have found that where strikes are forbidden, arbitration is a fair and sensible way to resolve bargaining impasses.

We believe that the experience of GPO and its unions, with this kind of procedure last year demonstrates that impasses arbitration is workable and merits support.

The bill also confers jurisdiction upon the National Labor Relations Board to resolve unfair labor practices and questions concerning union representation at the GPO. We support the principle that such matters should be resolved by the NLRB rather than the Federal Labor Relations Authority. The Federal Labor Relations Authority is keyed to a system of labor-management relations that is far more circumscribed than that now in effect at GPO. Consequently, in order to fit GPO's existing labor relation system, the NLRB is the proper jurisdictional body for the governing of labor-management relations.

This provision will also put an end to the extended and acrimonious disputes over the scope of GPO's authority over personnel matters that have poisoned GPO labor negotiations in the past.

Enactment of the bill could usher in a new era of labor-management cooperation and thereby contribute to the efficient, economic provision of printing services and document distribution that is the overriding objective of H.R. 5424.

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Based upon our experience, it would be a fraud upon the taxpayers to require them to pay for these fine facilities with their hard-earned dollars while permitting duplicate printing facilities to be set up to substitute for the GPO.

GPO, as the centralized source of printing, should be able to control the flow of subcontracting so that the capabilities are maintained to permit the GPO to meet the legislative printing requirements of Congress.

We note that the exception to section 502 contained in section 901 of the bill, in our opinion, adequately protects the interest of the Congress in controlling the printing and distribution of documents relating to the House of Representatives and the Senate.

That section also recognizes that the primary producer of documents for the Congress shall be the Government Printing Office. We are confident that the Committee on House Administration and the Committee on Rules and Administration of the Senate will prepare the appropriate regulations, consistent with the language contained in section 901(b), that public printing and distribution of public documents for the Congress shall, to "the greatest extent practicable" be done through the Government Printing Office.

In sum, this is an excellent bill. It responds to most of the points that the ad hoc advisory committee discussed and reviewed during its meetings.

It sets the stage for more efficient use of the taxpayers' money and recognizes the input of distributing information produced at taxpayers' expense.

We agree with the analysis of the American Library Association that the bill will assist in the efficient distribution of public documents.

We agree with the statement of Coopers & Lybrand that there is need for a Board of Directors to insure that the GPO is managed like a business enterprise.

In conclusion, the bill embodies long overdue reforms.

On behalf of the AFL–CIO, employees at the GPO, the public employee department of the AFL–CIO and the several international unions in the graphic arts industry, we wholeheartedly support it.

I appreciate the opportunity of having appeared before you and I would be happy to submit to any questions the committee may have at this time.

Thank you.

EXHIBIT A

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON PRINTING,
August 4, 1977.

Hon. THOMAS F. MCCORMICK, *Public Printer,*
U.S. Government Printing Office,
Washington, D.C.

DEAR MR. MCCORMICK: This is to inform you that the Joint Committee on Printing approves the wage rate increases and the effective date of June 18, 1977 proposed by you in your letter dated June 8, 1977.

It appears obvious that new guidelines are necessary to guide future wage negotiations between you and the crafts because the history of the instant case has demonstrated a failure in the bargaining process. While neither side is totally free from blame for this failure, we believe the primary responsibility lies in your refusal to recognize your statutory duty to negotiate wages, salaries and compensation with the representatives of the crafts.

The intent of the Kiess Act as provided in 44 U.S.C. 305, is clearly established in House Report 412 dated March 31, 1924, which states as follows: "The wages and compensation for these various groups ought to be determined in the same manner as any large industrial concern negotiates with its employees."

It is the opinion of the Committee that in the future the Public Printer and the GPO crafts should indeed negotiate wages and compensation in a manner which would give both parties ample time to resolve their differences.

The bargaining process should be timed so that either side will have at least 30 days prior to the anniversary date to appeal to the JCP if final agreement cannot be reached.

Sincerely,

HOWARD W. CANNON, *Chairman.*

Mr. MOAKLEY. Are you still employed by the GPO?

Mr. BOARMAN. I am on a leave of absence. I am a full-time union official.

Mr. MOAKLEY. In your prepared statement you note that "the experience of the GPO and its unions * * * demonstrates that impasses arbitration is workable and merits support." Can you provide us with some specific data on that statement?

Mr. BOARMAN. Last year for the first time the Joint Committee on Printing in its wisdom decided not to involve themselves in the impasse, if there would be one in the wage and compensation negotiations as provided for under section 305 of the Keiss Act. If there was an impasse, it would go to an arbitrator. That same procedure has been made available this year.

If the parties, being the Public Printer and the unions at the GPO, are unable to reach a settlement, there will be an arbitrator who will listen to their case and make a determination. His determination would then be sent to the Joint Committee for final approval. But last year the arbitrator made a decision and the JCP adopted his findings completely.

Mr. MOAKLEY. There was no impasse last year?

Mr. BOARMAN. There was an impasse.

Mr. MOAKLEY. There was?

Mr. BOARMAN. Yes, last year, it went to arbitration; the arbitrator made his findings and recommendations to the Joint Commit-

tee on Printing and they adopted the arbitrator's recommendations.

Mr. MOAKLEY. Also in your prepared statement, you make mention of past disputes over the scope of GPO's authority in personnel matters. Provide additional information on that.

Mr. BOARMAN. For many years past public printers and GPO management have taken the position that negotiation is really not the proper term or vehicle to be used under the Kiess Act. This went on for years. There were constant disputes between the parties that went to the Joint Committee. It climaxed with the August 4 letter from Senator Cannon which is attached to my statement where he makes the statement that:

> The wages and compensation ought to be determined in the same manner as any large industrial concern negotiates with its employees.

That has been cleared up for the time. It is not to say, if we had a different committee, they could not take a different view on it, rather than having it under Federal labor relations authority and under the Kiess Act. They conflict, Mr. Chairman; one says you do negotiate wages and one says you do not.

Mr. MOAKLEY. In your view, how essential is section 310, Labor-Management Relations to H.R. 5424, and could you support H.R. 5424 if no changes were made to the existing labor management relationship?

Mr. BOARMAN. The current title 44 has a section 305 which provides for the employment of employees and the determination of their wages and compensation to be done in conference between the Public Printer and employees affected. That has been construed to be negotiations. If there is an impasse, the Joint Committee on Printing would be the final arbiter. If H.R. 5424 is adopted and abolishes the Joint Committee on Printing, and we support that concept—that mechanism would be erased. So section 310 is very important because of the history that we have had at GPO with labor-management relations, the existing practices that have come into play under title 44. So, I think it would be important to us and if it were taken out, it seems to me, we would have lost something in place.

Counsel might like to respond.

Mr. ROSENBERG. There is a mechanism for resolution of impasses through the Joint Committee on Printing; section 310 replaces that need with another form of dispute resolution. Absent section 310, there would be no form of dispute resolution.

Mr. MOAKLEY. You have heard the others testify about their concern about a multidiscipline commission with representatives from the printing and reproduction areas, and the information industries—do you think because of this commission that we might start some problems? Are you representing every segment of the printing industry?

Mr. BOARMAN. No, I do not think so, Mr. Chairman. I do not think it will be utopia; I am sure there will be problems and differences. But under the present system, there are six Members of Congress, three from the Senate and three from the House of Representatives, majority and minority Members who are pressed for time. If they can agree I think people who are in the industry and up to date on the latest events and who will be representing

that segment can come together in agreement on most of the things.

Mr. MOAKLEY. Do you think this new commission may have more contact, more input than the present committee does?

Mr. BOARMAN. I think that is needed.

Mr. MOAKLEY. How many times do you meet with the present committee?

Mr. BOARMAN. The present committee to my knowledge meets once or twice a year, and that is not really in a hearing form. The last time we met with the entire committee was on a wage dispute in 1977. We had the full committee assembled; Senator Pell was chairman at the time. That was in the midst of a very busy process of the Congress and they had to take time from other duties to resolve a dispute between the unions and the Public Printer.

Mr. MOAKLEY. Do you believe the Commission should get involved in the day-to-day running of the GPO?

Mr. BOARMAN. I think at first, when the agency is first reorganized, I can see where the commission would be actively involved. After it smooths out, the chairman would run it and major policy decisions would be made when they meet quarterly or semiannually. But the chairman would run the organization with his staff I think on a day-to-day operation.

Mr. MOAKLEY. Are you concerned about any conflict of interest the Members may have because they represent——

Mr. BOARMAN. There is a possibility, but I believe there are safeguards in the bill. I think there was an example given in one of the reports I read. If there was a Member from the printing industries and his company was involved in a bid or in a dispute, then he would have to step down for that particular vote or that particular action.

Mr. MOAKLEY. As a person on a leave of absence from GPO, you are completely in favor with all facets of this bill?

Mr. BOARMAN. Yes; I am.

Mr. MOAKLEY. Mr. Frost.

Mr. FROST. No questions.

Mr. MOAKLEY. Mr. Bauman.

Mr. BAUMAN. I was interested in your statement as to the report because the bill envisions a major change in the manner in which Government printing and distribution is handled.

Most of the testimony I have heard discourages a need for such change, your statement indicates there is a need, but the same report you refer to, Coopers & Lybrand, and I will ask that report be placed in the record.

Mr. MOAKLEY. Without objection.

[An extract from the report, "Coopers & Lybrand," referred to by Congressman Bauman, may be found in the subcommittee files.]

Mr. BAUMAN. You indicate that sweeping changes should be made. However the report states:

> It is our opinion, for several reasons in particular, no sweeping changes are warranted. Our overall assessment can in part to some degree ameliorate well-publicized problems.

I am not so much one to believe the charges that have been made by the opponents of this bill, although not specific, that the sole reason labor would particularly like to see this enacted is

because for the first time it will apply particular labor laws to a small group of Government employees who would then be entitled to far greater rights than are given under collective bargaining and so forth.

Is that the objective of the unions? And is all the rest a cover for this change?

Those are the charges made.

Mr. BOARMAN. I have heard the charges, and we are prepared to respond.

No, it is not, is the simple answer. First of all, we did not draft the bill, but we are in favor of the bill. We took an active part in the ad hoc advisory committee which lasted for 13 weeks. In that Committee people from all walks of life participated. One of the major topics was management and how we could better improve GPO in this modern day of laser beams. You have a law that has been in existence for about 85 years which was passed at a time when printing was thought of as ink applied to paper. That is no longer the case. We are deeply interested in modernizing the law that covers the Government Printing Office. At the same time, we are deeply interested to see that the current practices that are in existence at the Government Printing Office relating to labor-management relations continue. We think the best way to do that since the Joint Committee on Printing is to be abolished is to turn these matters to the National Labor Relations Board and an arbitrator rather than using Members of Congress as arbitrators.

Does that answer your question?

Mr. BAUMAN. It partially does. I am sure the AFL–CIO would like to see it extended to the entire force of Federal employees, the NLRA and all its provisions. Is that not correct?

Mr. BOARMAN. That subject has not been discussed to my knowledge in the Federation. Our interest here was to try to continue something which is presently in existence. The AFL–CIO supported certain portions of the Civil Service Reform Act which were originally written. They were modified in the House and Senate conference. But I am not aware that the AFL–CIO is trying to get all Federal employees under the NLRA.

Mr. ROSENBERG. The Kiess Act was passed in 1924. It provides the predicate for current labor-management relations at GPO. It was not the first wedge to get within the Wagner Act, because it did not exist at the time. The Postal Reorganization Act was passed in 1970. It incorporated the NLRA Act. That has not caused changes for Federal employees who, historically, had no collective bargaining.

So the notion that this particular tail will be wagging a large dog is untrue because of the historical reality.

Mr. BAUMAN. The charge was made at our last hearing that if that NLRA is extended to the GPO as a subject of bargaining and potentially as a part of a contract which might come into effect, it could be agreed upon that private nonunion contractors would not be allowed to receive contracts from the Printing Office.

Mr. ROSENBERG. That is incorrect under the NLRA, which bans subcontracting prohibitions to nonunion companies. So even in the private sector——

Mr. BAUMAN. It would restrict the right of management to give such contracts.

Mr. ROSENBERG. The NLRA permits negotiation only of subcontracting provisions. There is no reason for management to agree and in the context of this act with the various determinations as regards cost efficiency and the like and the actual reality, there is no chance that subcontracting could be prohibited in a way the previous witnesses discussed. It is not possible and no union, including the union Mr. Boarman represents and others, would seek a ban on subcontracting. Such bans in the printing industry are almost unheard of because of the nature of that industry.

Mr. BAUMAN. I am not sure it was an across-the-board ban, but there was a potential for a large restriction on the large contracting-out that now occurs.

Mr. ROSENBERG. It would be negotiable. It could be resisted by management and would be. There is no indication the union would seek such a ban. It never has in the past. Ultimately, the conclusion would be in the context of this act if such a union proposal is offered, and if requested by management, if impasse was reached would that be ordered by an arbitrator? The answer would be no. Right now they can bargain on subcontracting.

Mr. BAUMAN. But there is no requirement under the existing law for the GPO to agree to a labor contract.

Mr. ROSENBERG. There is no requirement under this law. The NLRA requires negotiation, not agreement.

Mr. BAUMAN. But as I understand it now, there is no way an agreement could be reached if management did not wish to reach it on the issue of subcontracting.

Mr. ROSENBERG. It could be ordered by the JCP.

Mr. BAUMAN. The other question is, the GPO could become involved in labor disputes which could in effect close down the GPO, in other words becoming involved in other labor disputes.

Mr. ROSENBERG. That is frankly incorrect. The rights as to work stoppage are preserved in this act and there would be no possibility those requirements would be breached since they contain criminal penalties. If there were concern, the new agency could negotiate a no-strike clause. The unions involved have never been involved in such activity in the past. They would gladly give a large clause to eliminate the possibility that the act preserves existing penalties against strikes unimpeded.

Mr. BAUMAN. Could a union shop be imposed under this bill?

Mr. BOARMAN. If agreed to, but under the Kiess Act, we could have sought and perhaps achieved a union or agency shop in those negotiations; we did not.

Mr. BAUMAN. Thank you.

Mr. MOAKLEY. Thank you very much.

We will now hear from Mr. John J. Boyle, former Public Printer.

STATEMENT OF JOHN J. BOYLE, FORMER PUBLIC PRINTER

Mr. BOYLE. Thank you, Mr. Chairman.

Mr. Chairman, I appreciate the opportunity to testify before this subcommittee and express my feelings on H.R. 5424 as reported out of the Committee on House Administration on March 19, 1980.

Mr. MOAKLEY. Before you continue, please inform the committee when you served.

Mr. BOYLE. I retired on February 29, 1980, appointed by the President 2½ years prior to that, on November 1, 1977. For 5½ years before that, I had been Deputy Public Printer. I had been employed by the Printing Office 28 years, and had 34 years Government service when I retired.

Mr. MOAKLEY. Sounds good to me.

Mr. BOYLE. As you know, I testified at the hearings before the Committee on House Administration, Subcommittee on Printing, on the original version of this legislation, H.R. 4572, and strongly opposed its enactment. My objections to H.R. 4572 are a matter of record and I will not go into them further. However, the supplemental majority views on page 171 of the Report on H.R. 5424 (H. Rept. 96-836, Pt. 1) point out that, in response to reservations expressed by the executive agencies, and others on H.R. 4572 and H.R. 5424 prior to markup, the bill has been redrafted and additionally modified by more than 70 amendments which purportedly remove most, if not all, of the original objections.

I am aware of the more than 70 amendments that were made to the introduced bill. In fact, many of them were taken from those submitted by the Government Printing Office to the staff of the Committee on House Administration. The majority of those 70 amendments were minor in nature and did little to change the basic concept and intent of the bill. The bill, as introduced, ignored the suggestions and recommendations of nearly all those involved in printing and distribution of Government publications and those 70 amendments did little to remove any, let alone most, of my objections to H.R. 5424 as presently reported out.

Specifically, I am against the enactment of H.R. 5424 because I believe that the major changes which would be effected by the bill would not be in the best interest of the Government, or the taxpayers, and that the Federal printing program, together with the Depository Library System and the distribution of Government documents to the public can best be maintained by adherence to the present title 44, with appropriate amendments deleting obsolete sections and updating the language in general, as necessary.

Without going into section-by-section detail on the bill, as I am sure my colleagues in the Government Printing Office will do, or have already done, I will briefly state my objections to what I consider to be the major areas of my concern.

First, I do not agree with the abolishment of the Joint Committee on Printing and the substitution of a National Publications Commission. What this Government does not need is another commission. As I stated before, the joint committee concept has worked for nearly 100 years and has worked well. The key to its working is a professional staff. What is needed is a revision of title 44 redefining the scope of the JCP in order to relieve the members of such matters as signing paper contracts and precluding them from becoming involved in wage and labor relations matters which should be the function of GPO management.

They should not become involved and do not have to be involved in such day-to-day decisions. Title 44 does not charge the JCP with running the GPO. Title 44, section 301, states that:

The President of the United States shall * * * appoint a suitable person * * * to take charge of and manage the Government Printing Office.

The members should only have to resolve true policy matters which would not entail a meeting more often than once or twice a year.

A politically appointed commission is not necessary to oversee a printing and distribution operation within the Federal Government which has not been in the past, or ever should be, political in nature. The printing services to the Congress, the Executive Office of the President, the executive and independent agencies, and the judiciary, should be provided on time, at lowest cost, in highest practical quality whichever side of the aisle or branch of the Government is being served.

Notwithstanding the comments in the report regarding safeguards against conflicts of interest, there is no doubt in my mind that each appointee to the Commission will be protecting his own area of interest. Second, the salaries of the Commission—level II of the executive schedule for the chairman and level III for the members of the Commission—are too high. The chairman of the Commission surely should not be rated or paid at the same level as the Deputy Secretary of State or the Director of Central Intelligence, for instance.

Third, the Commission does not need a staff of 15 people. For the work required to be done by the bill I question the need for any staff at all. The salary levels of GS–16 and GS–18 are certainly too high for the work to be done. This provision does nothing more than recreate a Joint Committee on Printing staff as it is presently constituted.

Fourth, the administrative services which are intended to support the printing operation should not be separated from that operation for numerous reasons. The bill as redrafted, however, provides that the Director of Production Services shall have authority to employ such persons as may be necessary. Who shall do his hiring and personnel work? He will have no administrative services. The Director of Administrative Services is a separate organization under the Chairman of the Commission.

Fifth, the labor-management relations section of the bill is unrealistic and unworkable from a management standpoint. Present labor relations laws pertaining to Government employees already passed by the Congress are all that are necessary to protect the employees in the GPO. Why inject a whole new system totally different from the rest of the Government?

Sixth, many of the section 502 requirements for agencies to use—or not use—the services of the National Publications Office are vague, subject to many different forms of interpretation, and can only end up in the courts.

Seventh, there are areas in chapter 7 pertaining to the distribution of Government publications that I disagree with, but I will not go into detail because my objections have been pointed out by the Acting Public Printer. As long as the depository libraries and the Library Association are satisfied and as long as the Congress knows that the distribution of publications is going to cost the taxpayers more money, then there is no use in my protesting the changes as unneeded.

Eighth, I disagree with much of the language of chapter 9, Public Printing Service and Distribution of Government Publications for the Congress, particularly the definition of the word "prepare" in sections 903, 904, and 905 and the provision authorizing payment for printing from appropriations to the Congress, which I do not believe to be superior to the present method. Moreover, will the official reporters and official transcribers of the Congressional Record who prepare the copy for the Record be on GPO's payroll? It is not clear.

In summary, Mr. Chairman, as a former Public Printer, a Deputy Public Printer, a GPO employee for 28 years, and a Federal employee for more than 33 years, I believe that H.R. 5424 should not be reported out favorably by this committee.

I believe that if the bill becomes law the cost of printing by or through the present Government Printing Office will increase because of increased administrative costs, lower efficiency, inappropriate wage rates, and lower productivity.

I further believe that the Joint Committee on Printing should be retained as the greatest safeguard over excesses in the Federal printing program and the duties of the Joint Committee should be redefined in the next Congress to reduce the unnecessary workload of trivia which has been brought upon them.

Thank you, Mr. Chairman. I truly appreciate the opportunity the subcommittee has given to air my views.

Mr. MOAKLEY. Thank you, Mr. Boyle, for coming.

I have a few questions.

I gather then what you are saying in effect is that you can accomplish many of the things that this bill seeks to accomplish just by reworking the present situation we have there?

Mr. BOYLE. My feeling is that title 44 provides the authority to do almost everything in the way of reducing costs, reducing the volume of congressional printing, and I would be the first to admit that it should be cleaned up at least to the point of having the obsolete paragraphs removed, and there are plenty of obsolete paragraphs that have evolved over a period of 120 years, and that the title 44 be brought up to date without a meat ax approach to a total change in Government printing.

I don't see the necessity of that.

Mr. MOAKLEY. I noted during your testimony you feel that the proposed salaries for the commissioner and chairman are much too high.

Do you have any salary levels in mind?

Mr. BOYLE. I don't see why the renamed head of this agency should carry a higher salary than the present Public Printer. We all want more money, but when we look at the structure of the rest of the Federal Government we have to equate the number of employees, the policymaking part of the job, and I believe that the present salary which is equal to the executive level 4 shouldn't be exceeded by any new commission if the bill would pass.

Mr. MOAKLEY. What about the staff aides? I notice in your testimony you said it probably wouldn't require staff.

Mr. BOYLE. I don't know what the staff would do after reading the bill. I don't know what the commission would do. I doubt whether there is enough work for such a large staff.

Once the present JCP regulations, let's say, are modified in language—we are going to need the same regulations to have any control over the total Federal printing program—there won't be anything for the staff to do. No major policy decisions would have to be made day to day.

They would be administrating a printing program, and you have to get the work done on time for the committees in the Congress and the agencies at the lowest possible cost in the best quality that you can do within the timeframe. That is administration of a printing program which should be done, and is, by the staff of the GPO.

Mr. MOAKLEY. Do you think that this meeting with the commission of the Joint Printing Committee once or twice a year is ample then?

Mr. BOYLE. The present meeting is ample. The secret to the success of the operation of the Joint Committee on Printing is a top notch professional staff that does the technical work and only brings those policy matters to the attention of the chairman and the members of the Joint Committee on Printing.

I have been in the top executive branch of the GPO since 1964 and I don't remember many occasions where the JCP had to make policy. I can't see what the commission is going to do that would take their time.

Mr. MOAKLEY. Could you relate for the committee's knowledge any labor-management problems that you are involved with that you think we should know about to show that the labor-management laws on the books work?

Mr. BOYLE. Well, at present the labor management laws that are on the books which have been referred to several times this afternoon, which are now part of law, title V, will work effectively.

Mr. MOAKLEY. Do you have any experiences that you would like to relate to the committee?

Mr. BOYLE. We have had experiences with the Kiess Act, and there have been some misrepresentations made about the Kiess Act. The only thing the Kiess Act requires is a consultation with the Public Printer on wages of those specific craft employees having 10 or more members.

That covers less than half of the people working in the GPO. There is no requirement whatsoever that the administrative people——

Mr. MOAKLEY. You mean working or are you talking about contracting out?

Mr. BOYLE. I am talking about the total number of people working in the GPO all of whom which do not have the right of negotiating wages. The Kiess Act in 1924 only named those specific craft employees engaged in the printing trade that had the right of negotiations of wages with the Public Printer which, in case of nonagreement, a final binding decision by the Joint Committee on Printing.

It has been inferred that all employees of the Government Printing Office have this right. They do not.

All employees have the right of negotiations on matters other than wages, and that is a totally separate negotiation and has

nothing to do with any oversight or final decision by the Joint Committee on Printing.

Negotiations on working conditions is done under agreements of understanding with the major craft and trade unions. Other than the time it takes and the money it costs to argue for month after month after month on a give-and-take basis with very little give and a lot of take, we eventually come to an agreement.

It costs money to reach this agreement, but in my experience, other than the matter of wages, there has been no major disagreement.

On the point of wages, for the last 2 years we have ended up in a disagreement. The Public Printer has each year made an offer. The unions have disagreed with the offer and they have appealed to the Joint Committee on Printing. In the last 2 years the JCP has raised the Public Printer's offer and given the employees more money.

Mr. MOAKLEY. During your testimony you cite your concerns that if this bill were enacted, printing costs would increase because of increased administrative costs, lowered efficiency, inappropriate wage rates and lower productivity.

Cite some of those examples with respect to efficiency of productivity for the committee.

Mr. BOYLE. Yes, sir. I don't see that this bill is going to do anything but increase the administrative costs of the GPO with another layer of supervision.

The commission and the staff, if the bill passes, would surely raise the cost of operating of the GPO. The more people involved in making a decision, will raise the administrative costs all over the plant, because they are not going to come to a decision. If they come to a decision it will probably not be the right one, because this commission is not going to be made up of professional people.

It will be made up of a number of people that surely will have no expertise in running a $600 million a year printing plant. It takes professional people to do that, people with a wealth of administrative and managerial experience.

There is nothing that convinces me that this proposed commission would have any of that expertise and, second, every decision that might be made has to have a vote of three or four people. You cannot run a business by having a democratic vote for instance, on whether you are going to buy a certain piece of equipment.

I think this method of operation would contribute to lower efficiency in the printing plant. I believe that the whole negotiation procedure with arbitration will eventually raise the wage rates higher than they are now and, believe it or not, they are presently the highest in the entire printing industry.

Everything tends to lower productivity. Productivity in the Government sector compared to private industry right now is much lower. I have heard many references at this hearing to buying commercial. We buy commercially for several reasons, and one of them is that we don't, even being the largest printing plant in the United States, we don't have the capacity to do much more than the congressional workload when Congress is in session.

In order to provide service to the executive branch agencies and the judiciary, we must buy much of the printing commercially.

Second, there is multimillion dollars of printing work that the GPO cannot do, because it is specialty work, and we don't have the proper equipment so we have to buy that work.

It is a goodly amount. When Congress goes out, the work that we are buying or would buy otherwise is brought back in or kept in the plant to provide work for our people during the recesses of the Congress.

When we don't have any Congressional Record and are faced with a 1-week recess or an adjournment for 2 or 3 months, we literally run out of work. We have no Congressional Record, no introduced bills, no reports, and we have to keep work in there.

We have to have control over that and I can tell you right now you won't get anybody in our plant to disagree. We can buy everything there is to be printed commercially for 30 to 50 percent less than what it costs to do it in the Government Printing Office if the Congress is willing to wait for it but you won't get the service, the Record the next day, and you won't get your reports or bills the next day.

That service is something you pay for.

Mr. MOAKLEY. It won't do any good getting the Congressional Record 2 days late.

Mr. BOYLE. That is the point. People say they can get their work done outside commercially and it has been said in the Congress, too.

Mr. MOAKLEY. Time is of the essence. You put a premium price on it, I understand.

Mr. BOYLE. Generally speaking, I mentioned increased administrative costs, lower efficiency, higher wage rates, and lower productivity would be the end result, and I think the costs will go up if this bill becomes law.

Mr. MOAKLEY. Mr. Frost?

Mr. FROST. Nothing, Mr. Chairman.

Mr. MOAKLEY. Mr. Bauman?

Mr. BAUMAN. I want to thank Mr. Boyle for his testimony and 34 years of public service.

The fact that I agree with much of what you said is only incidental.

Mr. MOAKLEY. Of course, I would think that Mr. Bauman would agree. Actually, you are here because he invited you.

Thank you very much.

The next and last witness will be Mr. Francis J. Buckley, Jr., American Library Association.

Mr. Buckley?

STATEMENT OF FRANCIS J. BUCKLEY, JR., COLLECTION DEVELOPMENT COORDINATOR FOR THE DETROIT PUBLIC LIBRARY AND CHAIRPERSON OF THE AMERICAN LIBRARY ASSOCIATION'S GOVERNMENT DOCUMENTS ROUND TABLE, ACCOMPANIED BY JAMES D. LOCKWOOD, ASSISTANT DIRECTOR, AMERICAN LIBRARY ASSOCIATION, WASHINGTON, D.C.

Mr. BUCKLEY. Thank you very much for inviting us to appear today.

With me is Mr. Jim Lockwood of the American Library Asssociation's Washington office.

I have submitted a lengthy statement.

Mr. MOAKLEY. Without objection your entire statement will appear in the record. [See p. 120.]

Mr. BUCKLEY. I would like to summarize some of the highlights of that.

I am the collection development coordinator at the Detroit Public Library, but I have a number of years experience being the Government document specialist there.

Our library has been a depository library since 1868. We have a very large collection of Government documents and a good deal of experience in handling those materials and handling requests for those materials.

We are also a regional depository and have been since the enactment of the regional law. Throughout the process leading to the provision of title 44, which is before you today, the American Library Association has been expressing the need for improving the effectiveness and the efficiency of the public access system for Federal Government information.

We appreciate your interest and concern in this area, as regards the role of the Joint Committee on Printing, which has acted as the oversight agency for the printing and distribution programs of the Government Printing Office.

Libraries and librarians are in the information business. As we serve our varied clientele on a daily basis in libraries across the country, we meet citizens, businessmen, students, and scholars who are in search of information produced by the Federal Government.

Open access to Government information is a crucial element to informed public decisionmaking in a democratic society.

Since the early part of the 19th century and occasionally even prior to that, Government publications have been distributed to libraries as centers for free public access to Government information.

When the General Printing Act of 1895 was passed codifying title 44, it was possible for the Government Printing Office to obtain most Government information for distribution because the primary system of information, storage and distribution was ink, and most of the printing was done at GPO.

Now that a great deal of Government information is transmitted via films, slides, tapes, computerized data bases and other media, it is time to set up new systems which will enable the Government to provide the public with access to this material as well.

There are other problems with the present system of public access to Government information which includes the fact that many Government publications produced by Federal agencies in-house or through direct printing contracts are not furnished to GPO for depository programs or for the sales program, and they are not indexed in the monthly catalog.

There has been a proliferation of agency distribution programs, information clearinghouses and specialized indexes, which were to a great extent duplicative of the materials distributed by GPO, of the services GPO provides to depository libraries and the services such libraries provide to the public and also duplicate the indexing work done at GPO.

These systems and these problems are serious impediments to public access to Government information, since it is difficult for libraries and even more difficult for citizens across the country to identify all Government publications that they may need, and then to obtain access to those publications once they are identified.

In fact, in a study done by the Library of Congress congressional research service for the Senate Government Affairs Committee, it was reported that in the period from January 1977 to July 1978, 74 agencies in the Federal Government issued over 102,000 publications. But for the same period only 66,000 of those publications were listed in the monthly catalog.

Mr. MOAKLEY. Can I have those figures again?

Mr. BUCKLEY. In the 18 months from January 1977 to July 1978, 74 agencies in all the Federal Government issued over 102,000 publications. During the same period, the monthly catalog that is produced by GPO, which is by law supposed to include all Government publications, only listed 66,000.

There is a serious problem——

Mr. MOAKLEY. A lot of slippage.

Mr. BUCKLEY. There is a serious problem with agencies not complying with the present requirement to provide materials for inclusion, and I am afraid to say, as far as libraries are concerned, there is a problem when GPO does not put enough effort into the task of collecting materials for inclusion in the index or the depository program.

Mr. MOAKLEY. If I can interrupt there, could it be that somebody felt that those 50,000-cdd publications were not of interest to the people out there?

Mr. BUCKLEY. Well, there is a good deal of prior censorship in terms of someone deciding that their publication is perhaps not of widespread general interest.

I find that a very difficult thing to deal with in a public library that is a major research library in a major metropolitan area. We have people who come in who are interested in subjects from A to Z who are educated and uneducated but who need material and need information.

Mr. MOAKLEY. But those documents would range from probably announcements to complete studies on things.

Mr. BUCKLEY. Right; I would say that a good percentage of them are technical scientific reports. A good number of them probably appeared in other indexes such as the national technical service index. However, there are people who need access to those materials. We have daily requests from companies and businesses and individuals in the Detroit area for material of that nature, and we cannot fulfill those requests.

Mr. MOAKLEY. Can't you get it from the place where they might be cataloged?

Mr. BUCKLEY. The NTIS has them available for sale at prices ranging from $4 to $25 per document.

Mr. MOAKLEY. So that is the difference.

Mr. BUCKLEY. Yes; and there is also a time factor involved. Very frequently patrons want ready access to the materials.

Mr. BAUMAN. The testimony we heard last week about the Library of Congress index, the union, the National Union Catalog,

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doesn't that offer you access to those or does it have a similar efficiency in total listing?

Mr. BUCKLEY. The Library of Congress itself does not obtain copies of all those publications because the agencies don't provide them to them. And the Library of Congress, because of their mission and their collecting guidelines, in terms of what they keep as research material they will need for provision of service to Congress, does not keep all Federal publications.

They are very selective about which Federal publications they catalog and retain for their collection. In fact, they perhaps select 30 percent or so of the studies that are done by the Government.

In fact, they are working out systems now with the Government Printing Office so that the cataloging done by GPO will be utilized by the Library of Congress, so the Library of Congress will have a more complete record in its system of all Government publications.

They, fortunately, because they are located here in Washington, usually have access to sources to obtain the publications once they identify them, because they can call agencies and get things more quickly than people in Detroit can or the far reaches of Maryland, Boston, Texas, or wherever.

Mr. MOAKLEY. Let me ask another question: You talk about precensorship. Of those 66,000 publications that you will receive, do you index them all and make them readily available for everybody?

Mr. BUCKLEY. We rely on the indexing that is in the monthly catalog, and until a few years ago our Library attempted to catalog and have cards in our public catalog for all the Government documents that we felt would be in demand.

However, with the volume of material that comes through this program, we are unable to do that, and so we rely on the index that is produced by the Government Printing Office as an index, and we use the classification system for those documents that the Government Printing Office supplies.

Our problem is, of course, that not everything is listed there, and we then are forced to also use other indexes: The Government reports, announcement index, energy index, NASA index.

Mr. MOAKLEY. You have to get an index of indexes then?

Mr. BUCKLEY. We could use that.

Mr. MOAKLEY. Are you supplied all those other indexes?

Mr. BUCKLEY. Most of them we are that are issued by the Federal Government. There are a number of indexes to Federal Government information produced by commercial firms which supplement the federally produced indexes and which we feel are necessary to enable us to provide ready access to Government publications.

The Congressional Information Service, I will put in a plug for a commercial firm that does an excellent job, produces two indexes, one to congressional documents, the *CIS Index*, and the *American Statistics Index*, and they are located here in Washington.

They send people out to collect documents which may or may not have been distributed to depository libraries, and those documents are readily given to them as they would be given to any citizen that came in. CIS indexes those materials and we find their tools are very necessary to help us identify publications which may not have been listed by GPO or any other Government-produced index.

They sell by microfiche usually copies of those documents to libraries who want to supplement the materials that are made available through this depository program. I am trying to give you a sense of the problem that is faced by libraries and, more importantly, by citizens.

Mr. MOAKLEY. We received the sense of it in the last 2 years. We are looking for solutions. It is inconceivable that an indexing company in the private sector would have Government publications in their index that the Government publication index does not itself have.

Mr. BAUMAN. I think it is totally conceivable.

Mr. FROST. It is no more inconceivable than the Government not being able to tell how much it spends on printing it.

Mr. BUCKLEY. It is not one or two publications.

Mr. MOAKLEY. This is not the first time we have heard it but I am saying that it just does not seem that that would be the way to go. It would seem that the Government publication index would have many more publications than a private index.

Mr. BUCKLEY. Of course; now also we have to face the fact that the Congressional Information Service specializes in materials of a certain nature, congressional documents for one index and material of statistical nature for the other.

They are not having to cover the waterfront and include all Government publications in their index.

Mr. MOAKLEY. There is no one private index that has a complete index of all Government publications?

Mr. BUCKLEY. No.

Mr. MOAKLEY That might be the only way we can find out how many Government publications there are.

Mr. BUCKLEY. Jim Adler would be interested in talking to you about a contract to do that.

Our feeling is that the Joint Committee on Printing and the Government Printing Office have not done enough to support a distribution system for access to Government information.

Because the JCP consists of Members of Congress, with many other duties and responsibilities and little time to devote to the oversight of printing and distribution programs of GPO, and because the Government Printing Office has been concentrating primarily on printing issues, there has not been enough time or attention given to the important task of organizing comprehensive bibliographic control of the indexes and comprehensive distribution systems and programs.

In recent years because of public demands, the Joint Committee on Printing and GPO have made efforts to improve and modernize the indexing of Government publications as well as the distribution via both depository and sales programs.

With the authorization of the Joint Committee, GPO has initiated microfiche distribution and has undertaken a program for more comprehensive listing and description of Government publications with the Library of Congress and other Federal agencies.

Our overriding concern is to have a publicly accountable and publicly responsive body overseeing and directing a system for public access to Government information.

H.R. 5424 would replace the Joint Committee with a national publications commission. The commission would offer the advantage of membership with more time, experience, and expertise in both printing and distribution programs, as well as a balanced representation of executive and legislative branch concerns, private and public sector concerns, production and distribution concerns, and private and public concerns.

The proposed procedures for the establishment of regulations and policies offer much greater opportunities for public review and comment since administrative regulations that would be issued by that agency would have to follow the Administrative Procedures Act and be published in the Federal Register for public comment.

At present the Joint Committee on Printing as a legislative branch agency does not have to make any prior announcements of proposed regulations and can just promulgate a regulation that no one is aware is coming forth.

I am not sure that they would operate in such a fashion, but they could do that.

The Joint Committee on Printing could perhaps fulfill the necessary functions of oversight and management through reorganization which would focus more attention on distribution and information access programs.

We would think that they should be charged with the responsibility to exercise greater oversight in these areas, and that the procedures for adopting regulations and policies should follow the Administrative Procedures Act if the Joint Committee on Printing is kept as the oversight agency for the printing and distribution programs.

H.R. 5424 explicitly recognizes, in its definition of Government publications, new technological methods of production and dissemination of information. In recognition of the potential cost involved, H.R. 5424 also proposes a special dissemination program for audio and visual presentations. Such materials would be available on a loan basis except in cases where heavy demand required a deposit copy in a library.

I would like to comment on some of the earlier testimony that was given in regard to the provision of audiovisual materials to libraries by both the director of CBO and some of the later witnesses from OMB, and so forth.

The system, as it is proposed, would essentially be a lending program with certain selective copies of materials that were in high interest to be available for distribution to depositories.

Using the figures provided by Mr. O'Neill, the Acting Archivist of the National Archives, at the last session of hearings his estimate or his figures showed that the total cost for one copy of each material in the various formats, each publication in the various formats, 16 millimeter film, slides, tapes, et cetera, would cost $1.3 million.

To operate a lending program, as we would propose here, I am sure would require that the central agencies have on hand between 5 to 10 copies of almost any particular product or any particular publication, so that we are talking in the neighborhood of $10 million to $15 million probably for that central bank of films which would be required to operate the lending program.

I am not sure that that would break the Federal Government. There would be additional costs for the copies which might be distributed to depository libraries which had a heavy use for film. I would estimate there might be 100 libraries with programs and demand for AV materials which would necessitate some copies being sent out to them.

Our own library has a very active film department. We would not want copies of all of those audiovisual products. We could not afford to store them all. We do not have a new Madison annex to add to our library. We would want to be very selective in what we choose. We might choose 100 to 150 films per year.

I have not an estimate as to what that might cost for provision to libraries, but we currently have purchased films from the National AV Center. One of those films is a film produced by NASA about the universe. It is a very popular film. We had to buy three copies of it to satisfy public interest. It has been demonstrated that it is a popular film, because we already lost one. One copy has been stolen. That is the acid test of the popularity of something, whether somebody steals it or not.

Our other two copies circulate between 30 and 40 times a year. It would be very difficult for any lending program to supply us with a film 60 to 80 times a year. We would burn up the Postal Service, trying to do that. So in a case like that on a selective basis, we think the films should be deposited in centers where they would get a great deal of demand.

We cannot ignore the fact that information is being produced by the Government in this format and that the public needs and wants access to it. Currently there is no system of official access to information in AV form. The National Center has statistics which they provided in testimony last week of the number of products which are produced by the Federal Government. However, they themselves do not have copies of all those products available for sale or for rent. They simply have information about them. They are an agency which has to recover their costs by fees. They are not a service agency. So they will only select and include in their program materials they feel will be in high public demand and therefore will pay their way. So there is no access to probably three-fourths of the publications listed in the report from the National Audiovisual Center.

To some extent, various Federal agencies retain copies of their projects and may make them available to the public on a loan basis. It may only be available for as long as the agency retains custody of the films.

In H.R. 5424 there is also a requirement that systems be established to provide access to machine-readable data files which are not classified or for internal or administrative or operational purposes only. The report of the House Administration Committee envisioned that such data files would not be distributed, but would be made available in an online-access basis to depositories through a limited number of regional networks.

Most libraries would not want copies of these tapes distributed to them. We could not handle them. We do not have computers and so forth to make the information available to our patrons.

Some libraries do have computer terminals. That is the type of system we would like to be provided for public access to this Government information.

To provide more focus and attention on the problems of information access, rather than subordinating these to the printing function, H.R. 5424 proposes the establishment of two separate divisions within the National Publications Office for printing and distribution, with directors of each program who would be responsible for those under the policy direction, oversight, and management of the Commission.

We feel this would offer a greater degree of attention which could be focused on the dissemination of information.

There would be someone more responsible who would have more interaction with the overseeing agency.

There are other improvements which are incorporated in H.R. 5424 which we feel will help to provide an effective and efficient system of free public access to Government information. In addition to a more assertive and supportive central management of the central program by having a director on a higher level responsible for this program, the inclusion of Government information in all formats is important. In the bill, there is a proposal of complete collections of Government publications. As a loan system and backup for libraries, we feel this is an essential ingredient in the development of a system. The system would provide training for librarians to enable librarians to handle this material. That is also very important. At present an unduly high percentage of the cost of making Federal information available to the public is falling on individual depositories from their local funding sources to provide space, staff, et cetera. The average cost to the GPO per depository library for distribution of the publications and printing is $11,000. The average cost to the individual depository library receiving the publications is much greater than that. This program is not envisioned as Federal aid to libraries by any means, because we do have to pay a significant portion of the cost of making this material available. Libraries see they have a role, an important role in this system. We see the necessity for public access to this information and we are in the business of providing information to the public. So, we want to participate in this program.

Libraries are becoming more and more forced to select what publications they can make readily available in their local areas, not based on what the public wants and needs but based on what the library can afford. We do not feel that should be the entire basis for selection for this information.

Some additional financial support based on individual needs, carefully justified and administered, is proposed under H.R. 5424, but as has been pointed out by the Director of the OMB, such would not be forthcoming on the basis of this bill, but would have to be justified and would only be forthcoming based on appropriations and serious review of any programs by Congress.

One additional feature of H.R. 5424 which could potentially have a most beneficial impact on the cost and efficiency of Government printing and Government information management is the creation of Government publications managers in each Government entity. These managers would coordinate, to a much greater degree than

at present, the printing and distribution of agency publications. This would help reduce the duplicative nature of present dissemination programs by many Federal Government agencies.

The oversight and management is crucial to effective public access to Government information.

I appreciate your concern regarding the importance of the role of the JCP, or its successor organizations in this revision process.

[Mr. Buckley's prepared statement follows:]

Prepared Statement of

Francis J. Buckley, Jr., Collection Development Coordinator
Detroit Public Library

My name is Francis J. Buckley, Jr. I am currently the Collection Development Coordinator for the Detroit Public Library and I am the Chairperson of the American Library Association's Government Documents Round Table.

I am pleased to be here this afternoon on behalf of the members of the American Library Association. The American Library Association is a nonprofit educational organization of over 35,000 librarians, library trustees, educators, and public-spirited citizens dedicated to the improvement of library and information service for all citizens. As such, we are concerned with access to government information by libraries and all segments of the public. Attached to this statement is a copy of the Resolution on Revision of Title 44 adopted by the Council of the American Library Association last summer at our annual conference in Dallas, Texas.

To explain my background, I have considerable experience with and knowledge of the present systems for printing, distribution, and access to federal government publications. For the past seven years I have been the Government Documents Specialist and Regional Depository Librarian for the Detroit Public Library. Our library has an exceptionally large collection of government publications having been a complete depository since 1868. We are one of two regional depositories in Michigan, serving the libraries, businesses, students, faculty, and citizens of the state.

I have also been a member of the Depository Library Council to the Public Printer, the federal advisory committee to the Government Printing Office regarding the depository program, and was the Chairman of the Council for two years. In addition, I served as the American Library Association representative on the Ad Hoc Advisory Committee on the Revision of Title 44 which was convened by the Joint Committee on Printing to identify the major issues and policy questions involved in revising the statute.

Throughout the review of the provisions of Title 44 and during the legislative process leading to the version of H.R. 5424 before you today, the American Library Association has been expressing the need for improving the effectiveness and efficiency of the public access system for federal government information. We appreciate your interest and concern in this area as regards the role of the Joint Committee on Printing, which has acted as the oversight agency for the printing and distribution programs of the Government Printing Office and the government.

Libraries and librarians are in the information business. As we serve our varied clientele -- the general public, business and industry, scholars and students -- we are constantly confronted by the need for access to government information. Govern-

ment agencies touch every aspect of life in our society. The government counts and charts the population, collects taxes, enacts laws and regulations, takes the economic pulse, defends and protects the nation, enforces justice, sponsors health and welfare measures, delivers the mail, supports the arts, opens up the universe and sends men to the moon. And, in the process, the government collects, compiles, produces, and publishes information which constitutes the rich record of our nation's efforts to govern and address the needs of its citizens.

Open access to government information is a crucial element to informed public decision-making in a democratic society. Since the early part of the 19th century, and occasionally prior to that, government publications have been distributed to libraries as centers for free public access to government information. When the General Printing Act of 1895 was passed codifying Title 44, it was possible for the Government Printing Office to obtain most government information for distribution because the primary system of information storage and distribution was ink on paper. Now that much information is transmitted via films, slides and tapes, computerized data bases, and other media, it is time to set up a new system which enables the government to provide the public with access to this valuable material.

As the government has grown more complex and as technology has developed over the years, other problems have evolved in addition to the lack of satisfactory channels of access to non-print materials. Many federal agencies have developed the capability to do their own printing (sometimes with waivers from the Joint Committee on Printing, and sometimes without), or they utilize the provisions allowing for copying and duplicating to do printing. Often these non-GPO publications are not sent to GPO for distribution or for indexing in the Monthly Catalog of U.S. Government Publications. Some agencies have established separate distribution programs and information clearinghouses, which in some cases duplicate the GPO depository program and in some cases distribute unique materials which are not provided to the GPO depository program. Some examples are: The U.S. Department of Housing and Urban Development 701 depositories, Patent depositories, U.S. Geological Survey map depositories, NASA distribution program, Federal Information Centers, and Energy Information Centers. And, since the Monthly Catalog is not a complete listing of government publications, it is necessary to check multiple indexes to identify and obtain government information. These situations have created enormous problems for citizens and for libraries in the identification and retrieval of government information.

The Joint Committee on Printing and the Government Printing Office have not done enough to support distribution systems for access to government information. Because the JCP consists of members of Congress with many other duties and responsibilities and little time to devote to oversight of the printing and distribution programs

of GPO, and because GPO has been concentrating primarily on printing issues, there has not been sufficient time or attention given to the important tasks of organizing comprehensive bibliographic control and comprehensive distribution programs.

In recent years, because of public demand, the JCP and GPO have made efforts to improve and modernize the systems for indexing of government publications, as well as for distribution via both depository and sales programs. With the authorization of the JCP, GPO has initiated microfiche distribution and has undertaken a program for more comprehensive listing and description of government publications with the Library of Congress and other federal agencies.

Our major concern is to have a publicly accountable and publicly responsive body overseeing and directing the systems for public access to government information. H.R. 5424 would replace the JCP with a National Publications Commission. The proposed Commission would offer the advantages of membership with more time, experience, and expertise in printing and distribution programs as well as a balanced representation of Executive and Legislative Branch concerns, private and public sector concerns, production and distribution concerns, and public interest concerns. The proposed procedures for the establishment of regulations and policies offer much greater opportunities for public review and comment.

The JCP could, perhaps, fulfill the necessary functions of oversight and management through reorganization which would focus more attention on distribution and information access programs. They should be charged with the responsibility to exercise greater oversight over these areas. The procedures for adopting policies and regulations should follow the Administrative Procedures Act. The role of the JCP should be broadened to include oversight of distribution programs for information in all formats and a specific charge to coordinate programs for public access.

A good example of the lack of attention of the JCP to the information needs of citizens is their failure to include, in the depository program, informational matter produced by or for the government in a variety of formats. Only recently has microfiche been included in the program. Only occasionally have maps or phonograph records been included. There is no system of access, equivalent to that for printed information, for government information of public interest or educational value produced in film, tapes, slides, machine readable data files, etc. This is despite the fact that the definition of government publications which are to be included in the depository program (44 U.S.C. 1901-1902) includes "informational matter" of "public interest and educational value."

H.R. 5424 explicitly recognizes, in its definition of government publications, new technological methods of production and dissemination of information. In recognition of the potential cost involved, H.R. 5424 also proposes a special dissemination program for audio and visual presentations. Such materials would be

available on a loan basis except in cases where heavy demand required a deposit copy in a library.

H.R. 3424 would require that systems be established to provide access to machine readable data files which are not classified or for internal or administrative or operational purposes only. The report of the House Administration Committee envisioned that such data files would not be distributed, but would be made available in an on-line access basis to depositories through a limited number of regional networks.

The status and structure of the Superintendent of Documents Office within the GPO has created problems for depository libraries. In the past, the distribution program has had less support and priority than printing functions. In fact, in previous testimony on H.R. 5424 and its predecessor, H.R. 4572, the then Public Printer Jack Boyle likened this operation to the shipping room at the end of the print line. The American Library Association has previously recommended the establishment of a separate national depository agency to assume the responsibility of maintaining a system of free public access to government information. A compromise has been proposed in H.R. 5424 with the establishment of two separate divisions within the National Publications Office for printing and distribution, with directors responsible for each program under the policy direction and oversight of a Commission. The ability of each director to effectively manage their respective operations has been diluted somewhat, in our opinion, by the creation of a centralized Administrative Services Section under the Commission Chair.

To provide an effective and efficient system of free public access to government information there are a number of other improvements which must be incorporated in any revision. In addition to more assertive and supportive central management of the depository program, the inclusion of government information in all formats and the inclusion of all publications of public interest or educational value are basic to the purpose of the program. Also, there should be a complete collection of government publications available for loan as a backup to depository libraries. There is no single place to go in order to locate all materials produced by the government. Libraries should also be provided training and support items such as microfiche readers or printers, computer terminals, or commercially produced indexes and bibliographies necessary to assist in the provision of access to government information.

At present, an unduly heavy percentage of the cost of making materials available to the public is falling on individual depositories, which must, from their local funding sources, provide space, staff, equipment, etc. The average cost to GPO per depository library is around $11,000. Most depositories are spending much larger amounts which vary according to the number of publications selected and the

volume of public demand. At the Detroit Public Library I did a cost study several years ago. We are a regional depository library with a complete collection and with heavy use of our materials. Our estimated annual costs as a depository were in excess of $250,000. Libraries are more and more being forced to select what publications they can make available in their local areas -- not based on what the public wants or needs -- but based on what the library can afford. Some additional financial support, based on individual need and carefully justified and administered, is proposed for the depository program in H.R. 5424.

One additional feature of H.R. 5424 which could potentially have a most beneficial impact on the cost and efficiency of government printing and government information management is the creation of government publications managers in each government entity. These managers would coordinate, to a much greater degree than at present, the printing and distribution of agency publications.

The oversight and management of the depository library program is crucial to effective public access. I appreciate your concern regarding the importance of the role of the Joint Committee on Printing or successor organizations in the revision process. If I or the American Library Association can provide any additional information, we would be pleased to do so if requested.

Attachment

RESOLUTION ON REVISION OF TITLE 44, PUBLIC PRINTING AND DOCUMENTS

WHEREAS, The federal government collects, compiles and produces information on every subject which pertains to life in our society, and

WHEREAS, Free access to government information is crucial to informed public decision making in a democratic society, and

WHEREAS, Libraries, including depository libraries, play a significant role in making this information available to the public, and

WHEREAS, The U.S. Congress is presently engaged in a comprehensive review of the U.S. Code, Title 44, "Public Printing and Documents," with the stated purpose of providing for improved administration of public printing services of public documents, now

THEREFORE BE IT RESOLVED, That the American Library Association reaffirm that:

1. There is a need for a national agency to provide a system of free, equal, effective and efficient distribution to depository libraries which permits full and free access to government publications in all formats including print, microform, machine-readable data files, audio and visual presentations or other means of information transfer

2. There is a need for comprehensive bibliographic control of government publications

3. There is need for a system of regional and selective depository libraries through which government information can be made available to the public

4. There is a need for a comprehensive current and retrospective collection of government-produced publications to serve depository libraries and the public as a source for reference and referral service, interlibrary loan, photodulplications and telefacsimile or other transmission systems

5. There is a need for a comprehensive centralized or coordinated sales program to offer on a cost recovery basis all government publications in whatever format, without pricing basic documents so high that non-profit libraries are unable to continue acquiring them for use by the public, and

BE IT FURTHER RESOLVED, That the American Library Association convey these positions to the U.S. Congress and encourage American Library Association chapters and members to support legislation necessary to implement them.

Adopted by the Council of the
American Library Association
Dallas, Texas, June 28, 1979

Mr. MOAKLEY. Thank you very much for your testimony. It really addressed the distribution problem which has plagued many of us. I think you have a great handle on it. Many of the questions I anticipated asking you were answered during your delivery. Since you are the last witness, we have taken more latitude. I want to thank you for your appearance.

Mr. BAUMAN. I want to join in thanking you.

Mr. MOAKLEY. There is another committee that will be having hearings on this bill. We will suggest to them if we can in our own little way, that they have you as one of the witnesses to talk about the distribution problem.

Mr. BUCKLEY. We would appreciate that.

Mr. MOAKLEY. Thank you.

The subcommittee stands adjourned.

[Whereupon, at 4:45 p.m., the subcommittee was adjourned.]

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